

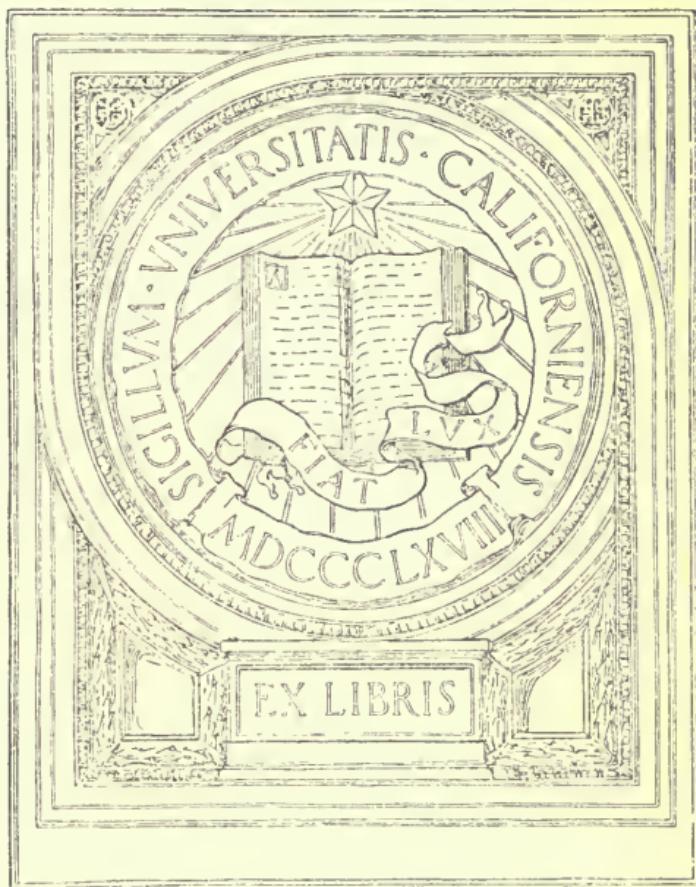
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AN
ENQUIRY
INTO THE
PRINCIPLES
OF
TOLERATION;
THE
DEGREE, in which they are admitted
by our LAWS;
AND THE
REASONABLENESS of the late APPLICATION
made by the DISSENTERS
TO PARLIAMENT
FOR AN
ENLARGEMENT of their RELIGIOUS LIBERTIES.

By JOSEPH FOWNES.

The SECOND EDITION, with considerable ADDITIONS.

Quot adhuc repurgandæ latent leges, quas neque annorum numerus, neque conditorum dignitas commendat, sed sequitas sola? et ideo, cum iniquæ recognoscuntur, merito damnantur.

Tertulliani Apolog. cap. iv. p. 54. ed. Havercampi.

S H R E W S B U R Y:

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at No. 57, Pater-noster-Row, LONDON. 1773.

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P R E F A C E

To the FIRST EDITION.

APR 26 1938

HARDING

THE plan of the following essay was laid, and the most material thoughts in it ranged under their respective heads, before the author had seen Mr. Mauduit's case of the dissenters. Upon looking into it, he found some of the topicks, which had been comprehended in his original design, insisted upon to great advantage; and for this reason has omitted several observations, which he intended to have made, that the reader might not be at the trouble of attending a second time, to what had been so much better said already. The writer hopes, therefore, that he shall not be considered by that ingenious gentleman in the light of a rival, but be received as an auxiliary: an auxiliary in support of a cause, which, as he has justly observed, is worthy of the efforts of all the friends of liberty to support it.

It was not till a great part, of what the author proposed to himself, was finished, that the letter to the dissenting ministers, who solicited parliament, fell into his hands. As two gentlemen of distinguished learning and abilities are directly attacked; and in a manner called upon to defend themselves, by the writer of that letter; and as it appeared highly probable, that one of them, at least, would undertake the vindication of himself, his brethren, and their cause; it was at first intended, to have taken no notice at all of that performance in this piece. But when that part of it, which relates more immediately to the dissenters, came to be considered, the objections, which this gentleman has made to their conduct, lay so continually and directly in the way, that it was found impossible not to make some animadversions on his representations and reasonings. This has made some considerable alteration in the form, which this head of the work would otherwise have worn, and added something to the length of it. Who the writer of the letter is, it would perhaps be thought disrespectful to conjecture. He has assumed no character, which requires or warrants any particular kind of reference; and therefore he is all along mentioned only as a writer. A considerable master of easy and elegant composition, he certainly is; and, as it is

is hoped his meaning has not been mistaken, (designedly misrepresented it assuredly has not) so, it is hoped, there is nothing in the passages, in which he is introduced, but what is consistent with the regard due to a gentleman of abilities and learning, and agreeable to that temper, which ought always to be preserved in controversial writings. With whatever freedom any of his arguments have been considered, care has been taken to do it with decency; and not to have considered them with freedom would have been injustice to the cause, which is here pleaded.

The whole of this performance was finished, and put into the printer's hands, before a sight of Dr. Kippis's very sensible defence of the dissenters was obtained: so that very little, if any, alteration could be produced, in what had been written, by the perusal of it. One thought, towards the conclusion of this tract, was inserted, while the sheets were working off, which was suggested by the Doctor's book, of which an acknowledgement is made at the bottom of the page in which it occurs. The author gladly takes this opportunity of returning his thanks to the Doctor for the great pleasure received from his book.

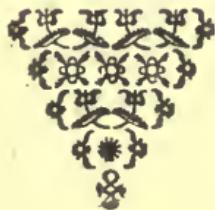
It is only necessary for the author to add, with his predecessors in publication, Dr. Kippis and Mr. Mauduit, that what he has here drawn up, was drawn up without being

being communicated to a single dissenting minister. He entered upon the subject unsolicited and uninfluenced by any motive, but the desire of doing justice to a good cause. He hopes there will be nothing found in his performance unsuitable to the temper of one who is a friend to truth, and to religious liberty ; — who honours all, in whose attention the sacred rights of conscience find a place ; — who is a steady friend to christianity, and an hearty well-wisher to the success of all attempts to promote it by example, argument and persuasion ; — but an enemy to all measures of violence and persecution. These are the characters he will always be desirous to maintain : and these characters alone would dictate the sentiments he has here committed to writing, though he were utterly unconnected with any religious body in the kingdom. They are, indeed, no other sentiments than what Mr. Locke, though no dissenter, nor attached to any of their sentiments, (any farther than he approved the general principles, upon which they went, as the principles of that liberty in which all christians ought to stand fast,) has delivered in his preface to his letter on Toleration. The circumstances, which gave occasion to some of his expressions, have, it must be gratefully owned, long since ceased to exist among us : and these expressions are pre-

preserved here for this cause only, that they could not well be separated from those, which are adjoining to them; and without the least intention of making the most distant application of them to any persons now living. But, though his words had a singular claim to the regard of the times, in which he lived; they are by no means unworthy of the attention of the present, or indeed of any times whatsoever, in which this question is under consideration.

“Narrowness of spirit, on all sides, has
“undoubtedly been the principal occasion of
“our miseries and confusions. But, whatever
“may have been the occasion, it is now
“high time to seek for a thorough cure.—
“It is neither declarations of indulgence,
“nor acts of comprehension, [alone] such
“as have been yet practised or projected
“among us, that can do the work.—The
“first will but palliate, the second encrease
“our evil. Absolute liberty, just and true,
“equal and impartial liberty is the thing
“we stand in need of.—I cannot therefore
“but hope, that this discourse,—demonstra-
“ting both the equitableness and practica-
“bleness of the thing, will be esteemed
“highly seasonable by all men, that have
“souls large enough to prefer the interest
“of the publick before that of a party.”
A glorious, and never to be forgotten step
was,

was, about that time, taken towards introducing this important blessing. Whether it quite answered the idea of religious liberty, which is pointed out in the above cited words, let those, who have maturely considered it, judge. And if it does not, I leave them to judge also, whether, if this great man were now living, and were to be asked his opinion of the fitness of granting the request of the dissenters, he would not give it for going this step farther ?



P R E F A C E

To the SECOND EDITION.

AN account having been already given, in the preface to the first edition of this pamphlet, of the rise and progress of it, nothing farther is necessary to be added here concerning it. The differences between the conclusion of this and the foregoing edition will be easily accounted for by any one, who considers that at the time of this second publication, the petition of the dissenters was again laid before the parliament. This additional preface, and the appendix, will sufficiently explain themselves; and all, which remains farther to be said, concerning them, and the essay, to which they relate, is to recommend the reasonings contained in them to the candid attention of such as may peruse them.

What apology may be needful for the whole, or any part, of the ensuing enquiry, the readers of it will determine by their own judgment. That, which the author himself apprehended, at the writing of it, might be

thought most liable to exception, was his employing so many pages in attempting to establish the general principles of Toleration, which had been so largely discussed by writers of the most distinguished reputation. But according to his views of the affair, which gave occasion for his book, such a consideration of them seemed unavoidable. The more he reflected on the disappointment of the dissenters, the more he was convinced, that it could be reasonably founded only on one of the following suppositions :— that Toleration is not a matter of right, but of favour ;— that, allowing it to be a matter of right, the penal laws against dissenters are no infringement of that right ; *i. e.* are not persecuting laws ;— that if they are persecuting laws, the act of Toleration is an exemption from them, adequate to the relief of all, who need to be exempted from them ;— or, lastly, that there was something in the nature of the request made by the dissenters, which rendered the farther exemption, which they solicited from these laws, unreasonable. That the act of Toleration affords but a very imperfect protection from the severity of these statutes, is a plain matter of fact, which admits of no dispute. But how far the laws, of which it is a mitigation, are in themselves unjustifiable ; or whether there was any thing peculiar in that security

security from them, for which the dissenters became suitors, which rendered their case unworthy of regard, must be determined by an appeal to the original principles of Toleration. For this reason it was thought indispensably requisite to state them, and collect all the subsequent parts of this question into one point of view with this leading, capital part of all; that, by the light which it must of necessity cast upon the others, the equity of the relief requested by the dissenters might be clearly determined. And, if it has appeared, upon a careful survey, that Toleration is the right of all good subjects, and members of society; — if it is found, that the penal laws against dissenters are utterly subversive of this right, and, consequently, unjust; — and, if it has been made evident, that the principles and deportment of the dissenters, and the assurances, which they are ready to give to the state for their loyal and unexceptionable demeanor, are such as ought, in reason, to obviate all suspicion of the contrary: if these things have been satisfactorily shewn, the inference makes itself, and is too plain and certain, not to be seen and acknowledged by every intelligent person; — that the request of the dissenters was reasonable, and that the part they acted in presenting it was worthy to be approved.

When applications, for relief from burthens, are founded upon principles of justice, it is generally allowed that apprehensions of some accidental, or merely possible inconveniencies, with which granting the desired relief might be attended, are not of strength sufficient to justify the refusal of it. And yet to this class the objections, which have been urged against the arguments by which the dissenters have defended their cause, must, in general, be reduced.—Alarming hints have been given of the dangers, which might have followed, if their desire had been granted.—Great respect has been expressed for the present dissenters; but great doubt concerning their conduct, and an unwillingness to answer for their behaviour, were they to carry their point, have been joined with these professions of respect.—Vague and obscure presages of evils, which, in this case, might some time arise, have been entertained and suffered to work upon the imagination; and suppositions of events have been made, so chimerical and destitute of foundation, that it is surprizing that gentlemen of understanding, should ever be impressed by them. But the groundlessness of these suppositions will be considered hereafter. What is now to be observed is, that all these reasonings proceed upon an entire inattention to the nature of the case, which they are designed to affect. In

matters

matters of mere favour, or expedience, such considerations as these may be allowed to have their weight; though, even in things of this kind, it is owned, that present and probable advantages ought to turn the scale against distant, and merely possible, disadvantages. But, in matters of right, such objections as these are seldom admitted. Were they suffered indeed to prevail, there is no liberty so important and reasonable, but it might be denied; no right so sacred and inviolable, but it might be taken away. For what right, what liberty is there which may not be abused? Or what advantage is there, from which some possible inconvenience may not result? The dissenters apprehend the relief, which they asked, was no more than the principles of reason, christianity, and protestantism, warranted them to request; yet such objections as those, which have been mentioned, seem to be with many considerable enough to overbalance all, which the petitioners could produce in support of their request; and to justify the retaining of laws, which even they who contend for their continuance, have not undertaken to vindicate; except it be by alledging, that they are laws not to be executed, but to stand in TERROREM only; an excuse, which is at once utterly insufficient to defend the keeping up of such laws; and, (as the argument has been conducted

ducted by those who have thought proper to have recourse to it) is, in effect, giving up the cause.

To be made in *TERROREM*, is the common character of all penal laws whatsoever. The *FIRST* intention of them is to *PREVENT* the forbidden actions, by the fear of the penalties enacted on account of the violation of the law. The execution of such laws comes in only in the *second* place, and is to be considered merely as the remedy, which is to be applied, when the bare declaration of the law is not effectual to procure obedience. But, if the laws themselves are good, it is universally allowed that, when they are broken, the execution of them ought to follow. When laws, therefore, are said to stand in *terrorem ONLY*, or without any view to the infliction of the penalty appointed by them, the very form of the expression implies, that there are some circumstances annexed to them which render the execution of them unfit. To suppose of any laws, that they are not fit to be executed, is giving, at best, but a very unsavourable, dishonourable representation of them; and the farther we enter into the grounds of the supposition, the more unsavourable to the credit of such laws it will appear. For why are they not fit to be executed? If it is because they are calculated to produce more evil than good,

good, they are bad laws in point of policy. — But if it is because they are unjust, in respect to their end, or the means by which they direct that end to be pursued, they are bad in point of conscience; and no competent cause can be assigned for retaining them. They cannot, as Dr. Furneaux has justly observed,^a “ be considered as the offspring of political wisdom, so much as of an arbitrary and tyrannical disposition.” And, as they were enacted upon indefensible principles; so no merely possible conveniencies, which may be imagined to result from them, are weighty enough to shew that it is right to permit them to remain, were the reality of such conveniencies to be admitted. But in fact, the argument drawn from them is as destitute of foundation, as it is void of strength; and, instead of fortifying the credit of such laws, tends rather to weaken it.

Let the notion of laws, kept up merely in TERROR, be strictly adhered to, and it will be evident, to say the gentlest things of them, that they must be of little or no use. If any doubt can arise concerning this, it must proceed from hence, that some laws may be inadvertently comprehended under this denomination, only because it is but seldom that occasions happen to require the execution of them; but this is departing from

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^a Letters to Sir William Blackstone, 2d ed. p. 122.

the signification of the phrase, as it is applied in the case under consideration. Instances of persons suffering for treason and rebellion are, in general, but rare, and bear no proportion to the number of those, who suffer on other accounts; and yet no one, it is presumed, imagines, for this reason, that the laws against those offences, are laws merely in *terrorem*. The laws concerned in the present debate, are laws, the execution of which is laid aside, though the objects, against which they are directed, are continually existing. They are laws which are virtually condemned, by a general disapprobation of the execution of them, as improper to be renewed. And, when it is asked, of what advantage it can be to retain such laws as these; which are not only fallen into neglect, but, which the very advocates for their continuance confess ought to be left in this neglected state; the question, thus stated, carries its own answer with it: and a moderate share of attention to the very terms of it will satisfy us, that their continuance can be of no advantage. When the dread of a law ceases, all the efficacy of the law ceases with it. When the execution of the law is entirely thrown aside, especially when it is by common consent exploded; (which in the case here argued it is) the dread of the law soon comes to an end. For it is
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the execution, which supports the terror, gives it all its permanence, vigour and effect; and when that is given up, all the practical authority of the law is given up also: and all their use, upon supposition that it were possible for them ever to be of any service, is destroyed.

But the uselessness of keeping such laws in force is the least objection to it: the consequences of it may be highly pernicious. Bad laws may be suffered to sleep for a season, and, while they remain in this dormant state, may be treated as very harmless, inoffensive things. But the power of oppressing, by their means, abides; — this power, by some combination of unhappy circumstances, may be awakened into action; and, perhaps, among the whole body of obnoxious penal laws, there are none, which are more likely to be most grossly perverted, and be made the instruments of the most insupportable evils, than those, which have been for a time discarded, and afterwards resumed for execution. For what is it, which most commonly brings them into this disgrace, but a conviction that they are yokes too heavy to be endured? What, but a conviction that they are inconsistent with the laws of reason and humanity; that to enforce them is repugnant to the principles of natural and political justice; and would be equally opposite to

the safety of individuals, and the tranquillity of the publick ? The execution of such laws can never be supposed to be revived, but from bad views and dispositions : and from this consideration, alone, it is easy to foresee, of what innumerable mischiefs they may become the occasion. Regard to the laws will be the pretended reason, for the prosecutions commenced upon them ; but the advancement of some sinister design will be the real one. Private interest, pique, revenge, and other base and unworthy principles, will be sheltered under the cover of what, in such seasons, would be stiled justice, order, and the support of authority ; and a counterfeit zeal for the welfare of the state, become a cloak for every malicious and shameful inclination, by which we can suppose the worst of men to be prompted. Nor are these only arbitrary assertions, which deserve to be treated as unworthy of regard. All, who are acquainted with history, well know, that some of the worst acts of injustice, which are recorded in it, have been committed under the sanction of OBSOLETE LAWS ; that is (if it be possible for any of my readers, to want such an explanation) laws grown into disuse, though supinely suffered to continue in force ; and which, if they were remembered to be laws at all, were considered

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as laws, which were permitted to retain that name in **TERROREM** only.

But if we ascend to the primary principles, to which all political regulations ought to be adjusted, we shall be furnished with fresh evidence, that no laws, founded upon injustice, let the execution of them be ever so little intended, or expected, are capable of a solid vindication. Laws ought to guard against oppression, from whatever quarter it is apprehended.— Such laws as these, give power to oppress; incorporate incroachments upon the rights of men into the constitution; and arm those, who are disposed to violate the peace of others, with the force of publick authority. They are so far from being proper means of preserving the publick tranquillity, that they are the most improper ones, which can be chosen for that purpose. For, in their natural operation, they are adapted only to create distress and confusion: and, if it be possible for any particular circumstances to arise, in which some momentary convenience may result from them; there are other methods, by which the evils, (which it is pretended they may be of use to check,) may be remedied with incomparably greater efficacy, safety and honour. If the apprehended evils are, in reality, proper objects of punishment by the civil magistrate, surely the regular, obvious

course to be pursued, is to establish proper laws against them: and not to think of suppressing them by making or supporting laws, which decree penalties against what no human power has a right to punish; which directly forbid what, it is allowed, ought not to be forbidden; and while they, perhaps, make no mention of what is really an offence against the obligations of good subjects, condemn only that, which the judgment of men has no authority to restrain. Laws directed against those actions, which fall properly under their cognizance; (in which the nature of the offence is clearly defined, and the sanctions of them duly proportioned to the offences which they prohibit) will generally have their influence confined within its proper limits. The terrors of them will be aimed at their original and just object; and there is, comparatively, but little danger of their being abused. But to have recourse to laws, intended to prevent one thing, to restrain another, which is totally distinct from it, and has, perhaps, no probable, and certainly no necessary connexion with it; and to ordain penalties, in cases in which they can never be just, merely because it is possible, that they may, by chance, be employed in cases where punishments may be just; (that is, in other words, to make the innocent directly obnoxious to sufferings, merely for the

the sake of accidentally reaching the guilty ; is giving scope to an endless variety of oppressions. For the execution of laws, which are thus made use of, being directed, not by any rule arising from the laws themselves, but by the inclination of those, who call in their force, will always be arbitrary in their application : and the consequence of this is, that they will always be liable to be perverted into some of the worst engines of tyranny ; engines, against which no caution is able to guard, and by which persons, the most unquestionably harmless, and without rebuke, may be given up to be harrassed by every man, who has either an interest to serve, or a passion to gratify, by disturbing them. And is this an expedient, to which it can ever be necessary to the safety, or suitable to the dignity, of a well ordered state, to have recourse ? It appears, on the contrary, to be such a solecism in government, and so inconsistent with all political wisdom, that, without the strongest evidence, it is not to be imputed to any set of legislators whatsoever. And, indeed, to urge it in the case before us seems to be only an after thought, to give some countenance to the continuance of laws, for the making of which it is not pretended, that any good plea can be offered. This was plainly not the original light, in which they were considered by the authors of

of them, who sufficiently shewed themselves in earnest for the execution of them; though the better judgment, and better spirit of the present times, has utterly condemned them.

When laws are allowed to be indefensible, the natural expectation, from such a concession, is, that those, who acknowledge this, should approve of giving them up. That the penal laws, from which the dissenters requested a farther exemption, are of this kind, seems to be confessed; and every argument against keeping up unjust laws, in *terrorem*, in general, must be acknowledged to conclude against them in particular; and yet, strange as it may seem, a necessity is pleaded for their continuing in force, to keep the dissenters in awe. But let it be allowed to ask, whence this necessity arises? Or against what is it that all these terrors are pointed? It surely cannot be against attempts to hurt the establishment by force. Were there no such laws as those, which we are considering, in being; the laws, by which every man, and every body of men, are protected in the enjoyment of their properties and privileges, would be an ample security against all such encroachments. The continuance of these laws cannot, again, be thought necessary, from a desire to deter the dissenters from writing and speaking in defence of their religious principles and practices. For the dissenters to admit

admit this thought, would be to impute to their brethren of the establishment a distrust of their cause, with a suspicion of which, they might be justly displeased ; and to charge them with an inclination to substitute force instead of argument, which they would disclaim with indignation. To suppose these laws are retained from an apprehension, that the doctrines of the church could not subsist without them, would be a reflection upon the articles of it, which the friends to them would have reason to resent. Truth wants nothing but an impartial hearing.—The way to promote the interest of it is to permit the judgments of men to determine freely, by the evidence which appears before them, unbiassed by the terrors of this world ; and it can never be to the honour of any cause, to think it wants any of these aids to support it, or redound to the praise of its advocates to depend upon them. And yet, against what other contingencies those, who contend for keeping up the terror of these laws, can think it necessary to maintain such a powerful guard, it is not easy to conceive. The apprehensions of indecency and petulance, on the part of the dissenters, need give them no pain ; — These are faults which, wherever they are found, furnish the best antidotes against themselves, and never fail to discredit the cause of those, who have so little judgment

judgment and temper as to give way to them. And were these excesses to prevail much more frequently, and in a higher degree, than can be reasonably supposed; yet to desire to have a person lie at the mercy of cruel and unjust laws, and be subject to ruin, merely because in the warmth of a controversy, he has lost his caution, has something in it, which a man of true greatness of mind will abhor; and one, who has a just reverence for his own reputation, will be extremely backward to acknowledge.

Hitherto the propriety of suffering the penal statutes against dissenters, to hold the place in our laws, which is still left to them by the act of Toleration, has been considered as it rests upon the general expedience of keeping them up as laws in *terrorem* only. But, besides the objections, which have already been urged against them, upon this footing; the antagonists of the dissenters, in this case, have embarrassed themselves with new difficulties; and, by endeavouring to mollify the severity of that side of the question, which they defend, have taken away the force of all the arguments, by which they attempt to vindicate it. To reconcile the dissenters to their disappointment, they have been told, that all their fears are visionary, that they may make themselves perfectly

fectly easy,^b “ the state will not attend to “ their preaching, and the church are en- “ gaged in labours of their own.” Let this, for the present, be granted. The question still returns, (and returns with additional force :) for what reason, then, are those relicks of persecution, which are yet contained in the laws against dissenters, so tenaciously held fast? Or on what account is a legal assurance of that safety, which it is acknowledged the dissenting ministers ought to enjoy, and which they are so confidently told they will enjoy, deemed so improper? To attempt, in any form, to vindicate the perpetuating of laws confessedly bad, merely for the sake of striking terror, is attempting an arduous task. But to represent these laws as harmless, because no use will ever be made of them; and, at the same time, speak of the repeal of them as a risk not to be run, is surely very peculiar. It is, if the expression will be pardoned, a self-destructive mode of reasoning, which saps the very foundation, upon which it appears to stand; and brings those, who adopt it, into the midst of contradictions. If, as the author of the letter to the dissenting ministers tells them,^c all that part of the law, by which they think themselves aggrieved, “ is “ now as dead, as if the whole were ob-

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“ folete;

^b Letter, p. 17.^c Ibid. p. 37.

“folete;” where is the terror it is supposed to contain? Or what is become of that security, which it is supposed to give to church and state? If these laws, on the other hand, are reserved, because occasions may call for their execution; from whence can the dissenting ministers derive that entire satisfaction, in their present circumstances, which is recommended to them? If the execution of these laws is to cease for ever, where would be the harm of a law for quieting the minds of the dissenters, by giving them a proper, real security from those laws, which disturb them? But, if those may yet be the instruments of oppression, and the apprehension of this may justly make the dissenters uneasy; why should they be censured as raising a [needless] ferment^d by their application? Or with what equity can they be blamed, as indulging unreasonable jealousies, when the very reasons assigned for denying their petition, have such an apparent tendency to keep their apprehensions awake? When they think, indeed, of the liberal sentiments and exemplary moderation, which reflect so much honour on the members of the establishment, their fears vanish. But the same excellent spirit, which dwells in these valuable persons, may not descend to others. If it should, yet, as our laws now stand, it is
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^d Letter, p. 22.

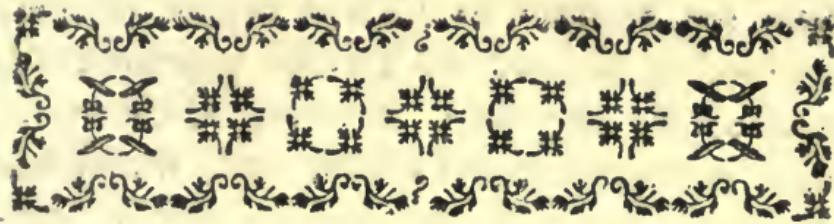
not in the power of those, who may have the best inclination to it, to insure the safety of the dissenters from the dangers, to which they are exposed: and, when these things are candidly considered, it cannot be justly thought strange, if they are still desirous to enjoy the advantage of legal safety; and be completely assured of the unmolested exercise of those rights of human nature, which, as a very able writer has happily expressed it, "ought to have every protection and ground of security, which law and the policy of free states can give them."

How far the case of the dissenters is intitled to the benefit of this valuable protection, they must leave to the judgment of the legislature; to which their petition is again, with all deference and humility, submitted. With these dispositions, they hope every step, which they take, will be found to be conducted; and as they are satisfied, that making an application for the removal of what they have esteemed a grievance, will never be condemned by those great assemblies, to which they look up; so they are willing to believe, that, if any of their fellow subjects have been inclinable to censure them for this reason, it will, upon further consideration appear, that they have been

^c Dr. Furneaux's preface to the 1st edit. of his letters, &c. p. 17. 2d edit.

been censured without cause; and that they are liable to no imputation of having made any request, which it would be unfit for the most dutiful subjects to present, or inconsistent with the honour of government to grant. To borrow the words of a confessedly competent judge of this matter; “ *Sapientissimi etiam legislatores non omnia viderunt, quæ reipublicæ utilia aut noxia esse possunt; & plerumque progressu temporis accidit, ut morum, personarum, aut rerum mutatio, ALIA planè fanciri desideret.* Sollemnissima formula, DURUM, SED ITA SCRIPTA LEX EST; illud inquam, tamdiu valere debet, quamdiu sine graviori incommodo, quod durum est, aut tolli, aut emolliri non potest; SED UBI PRIMUM DATA EST OCCASIO, eo redeat lex iniqua, unde malum pedem tulerat; nulla idonea causa est, quare summæ potestates auctoritate sua illam tueri porro pergent.”^f

^f Barbeyrac. orat. inaugural. de dignitate, et utilitate, juris, ac Histor. p 17. Droit de la nature, & des Genev. edit. Amsterd. 1712. tom ii. a la fin.



An ENQUIRY, &c.

THE worthy and respectable Dr. T. LAW,^a speaking of the common disposition to extol the former times at the expence of the present, mentions two circumstances, among others, in which the latter are greatly preferable. One is, "that we have certain virtues now in greater perfection; particularly, more of true charity, or universal benevolence, than ever since the time of primitive christianity:"^b and the other, "that we live under the mildest, most indulgent of all Governments; and enjoy the blessing of liberty in that perfection, which has been unknown to former ages, and is so still to most other nations."^c The truth of the observation is granted. But should it be inferred from hence, that the

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spirit

^a The present Bishop of Carlisle. ^b Considerations on Religion, Part III. p. 243. Ed. 1765. ^c p. 259, 260.

spirit of the times, and the state of our laws are brought to such a degree of perfection, as to need no farther improvement, it would be an error; an error, which would need correction equally with that, which this candid writer makes it his business to rectify. These are points, indeed, which are never to be taken for granted in the most advantageous situation, in which we can suppose ourselves to be placed. Sober enquiries whether there are not still some mistakes to be corrected; some remains of the injudicious appointments of the seasons of comparative ignorance, which it would be both just and wise to remove; and some defects, which greatly need to be supplied; are always worthy of attention. Such an enquiry into the state of religious liberty among ourselves is here attempted; and the author sincerely regrets that there should be such weighty reasons for his entering upon it, as he apprehends there are. It appears, indeed, to be a subject very far from being universally seen in its true light. Whether any thing, which is here offered, may contribute to lead persons to juster apprehensions of it, must be left to the judgment of others. This can be affirmed with great truth that, whatever is said, proceeds only from a sincere concern to clear up the rights of conscience more completely, and promote

promote the exemption of it from every unwarrantable imposition; which has a much closer connection with the interest of religion, and virtue, than is generally imagined. Whatever therefore may be the fate of his reasonings, the author hopes the freedom, which he takes of laying his sentiments before the world, will not be censured.

In order to discover the genuine Principles of Toleration, it is necessary to look back to the original liberties of mankind: and that, antecedently to the consideration of their being formed into civil societies, there are certain rights belonging to them, independent of all human grant, not derived from any compact, and which are, therefore to be acknowledged as the rights of human nature, it is presumed will not be called into question. That a right to judge for themselves in points of religion, is, in these circumstances, one of these rights, must be equally evident; and to attempt a formal proof of it, is needless. It is a principle, in reality, so obviously true, and reasonable, as to be scarcely liable to contradiction, or capable of illustration. But the necessary consequences of this UNIVERSAL right of men may deserve more particular attention; for, while it authorizes every individual to claim the exercise of this privilege to

himself, it obliges him to allow it, in the very same extent, to all about him; and establishes one uniform regulation for his behaviour towards others, and their behaviour towards him. It is evident, for instance, that no apprehensions of the truth, and certainty of any person's religious sentiments, can justify him in attempting to impose them on his neighbour: for the same right of judgment, which any ONE can claim, belongs, on the same principle, equally to ALL, and ought to be equally sacred, and inviolable in all; and no reason can be alledged by him for taking the religious liberty of others from them, but what will, at the same time, equally destroy his own title to it. It can justify no man in breaking in upon the peace, property, or enjoyments of others. They hold their claim to be unmolested in all these respects, by the same tenure, by which he holds his: and it is impossible for him to set it aside, in their case, without virtually renouncing it in his own. The injustice of all such encroachments upon HIM from OTHERS follows from the same principle, with the same force of evidence; and, if any attempt towards them should be made, common sense and equity must condemn and oppose it. In short, whatever apprehensions some persons, not used to think upon the subject, may entertain

tertain, that claiming such a liberty of judgment in religion for ourselves might open a door to invasions of the rights of others; nothing is plainer, than that it gives not the least real countenance to them. It places the strongest guard against them, and may safely be adopted in all its just consequences. Whether this claim is weakened by men's entering into civil society, is the next thing to be considered.

The great end of government is to protect the subjects of it from the injuries, to which they were exposed in a state of nature. These injuries may be divided into internal and external; or those to which persons, who by any natural tie, or accidental circumstance are connected together, are obnoxious from each other; and those, to which they are liable from any persons, or number of persons, not thus connected with them. This latter class of injuries is here out of the question, and only those of the former come under consideration. Now all injuries imply, in the very notion of them, some rights, of which they are violations; all the care, which is taken to guard against the violation of these rights, is an acknowledgment of the reality and importance of them: and, if the primary and leading view of government be, as it has just been stated, to prevent or restrain those injuries, to which men

were

were exposed for want of its protection ; it is evidently implied, that, when they enter into civil society, they carry these rights with them ; — that they continue to retain them ; — and that, instead of supposing themselves to be deprived of them, the very design, with which they put themselves under the authority of government, is to SECURE them the more firmly. I am very sensible, that this matter is, commonly, otherwise apprehended. It is supposed by many, that, when men enter into civil societies, they give up their liberties ; surrender their rights into the hands of the ruling powers ; and become entirely dependent, for the enjoyment of any part of them, on the pleasure of their superiors. That this is in fact the general consequence of their living in society, there can be no doubt. But it is not by attending only to the PRACTICE of Governors, and to the extent of that mere force and power which is supposed in the abstract notion of supremacy, to be annexed to their office ; it is not, I say, by appealing to these considerations, that such questions, as this before us, are to be determined ; but by entering into the great design of that power, and attending to the express, or implied conditions, upon which it is committed to them, and the measures, by which the exercise of it is to be adjusted. — It is certain, again, that restraint is, in some

some degree, essential to the very being of subjection to government. Wherever it is established, there must be some common laws, by which those, who live under it, must agree to be controuled. There must be some common ruler invested with authority, and armed with power, to enforce the observation of those laws. The members of the society must consent to leave to the magistrate the determination of those civil disputes, which they either cannot, or do not, compromise between themselves ; and the punishment of those violations of their rights, for which, if there were no such person empowered to redress their wrongs, they must have done themselves justice. In consequence of this they consent to desist from those forcible methods of aven- gaging the injuries, which are offered them, to which, in a state of independence on go- vernment, all men have an equal right ; and to have recourse to those methods of relief, which are appointed by the laws of the so- ciety to which they belong. But all this is far, very far, from amounting to an absolute divesting themselves of all those rights, which they enjoyed antecedently to their forming themselves into such communities. It is, on the contrary, raising up persons to be the defenders of them, and entrusting the preser- vation of them to COMMON GUARDIANS, by whose intervention, it is presumed, they will be

be more vigorously asserted, and more effectually protected, than it is possible they should be in a state, where there is no common umpire to check the evils of oppression on the one hand, and restrain the no less formidable evils of immoderate resentment on the other. And if we only give ourselves leave to reflect a little on the nature of those rights, the exercise of which they transfer to the magistrate, this will make the point I am illustrating yet clearer.

For what are the rights which men give up to government? Not those, which may most properly be styled the primary rights of human nature. Not the right, which every innocent man has, to live undisturbed, enjoy the advantages, which he justly possesses, and be left to his freedom in all things, not injurious to his fellow creatures; but the consequential, though equally real and certain right, which, where men are not subject to government, every person has to take the assertion of all his rights into his own hands, and correct the infringers of them, by the infliction of such pains, or the use of such other methods of deterring the authors of the wrong, as reason shall warrant for his future security. And after all, if we speak precisely, even THESE rights are not absolutely extinguished and utterly lost, but suspended by such limitations, as the order and well-being

being of society require, and so long as the succours of government shall be effectual; as is evident from hence, that many cases may be supposed, and are frequently occurring, even under the best regulated governments, in which the use of force for our own preservation is not esteemed culpable, even in a political sense. For it is granted, I think by all, who have been most valued for their judgment in these subjects, that wherever the aid of the society is too distant to prevent the injury, and the evil, which, if we neglect to secure ourselves, will be brought upon us, is of such a nature as to be irreparable by any redress which government can give; there all the original rights of self-defence return, and it is warrantable to repel force by force.^a Inquisition indeed always is, and always ought to be made in these cases, to determine whether such necessity existed: but, if it is found to have been real, and urgent, and the impending evil was irreparable, and unavoidable by any other method; the self-defence is allowed, even though it proved fatal to the aggressor.^b From all which it appears, that the primary rights of liberty, safety, and protection from oppression

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still

^a Puffendorff, L. ii. c. 5. §. 7, 8. per Barbeyrac. Grot. J. B. & P. L. ii. c. i. §. 3—7. Edit. Barbeyrac.

^b Sir William Blackstone's *Commentaries*, vol. i. p. 130. 2d Edit.

still subsist in their full vigour. To suppose them abandoned, renounced and annihilated, or that government can have any right to destroy them, is ascribing to it a right to defeat the very end, for which it is established, and betray the trust reposed in it. It is indeed totally inverting the principle, upon which the power of rulers stands, and by which the acts of it ought to be guided.— Man was not made for government, but government for man; and the great object, to which all the operations of it should be directed, is to guard, as much as possible, the equal, impartial, ease and freedom of all the subjects of it. And if it should be thought by any that these expressions are too strong, the author is persuaded they will alter their opinion, upon their perusal of the following excellent passage from Sir William Blackstone's valuable *Commentaries on the Laws of England*. It is needless to make an apology for the length of the quotation: my readers cannot wonder that I should embrace the opportunity of availing myself of such a respectable authority; and, whether they have already perused it or not, will dwell upon it with pleasure.

“ The principal aim of society,” says this judicious writer, “ is to protect individuals “ in the enjoyment of those absolute rights, “ which

¹ *Comment.* Vol. i. p. 124—125.

“ which were vested in them by the immutable laws of nature, but which could not be preserved in peace, without that mutual assistance and intercourse, which is gained by the institution of friendly and social communities. — Hence it follows, that the first and primary end of human laws, is to maintain and regulate these absolute rights of individuals. Such rights as are social, and relative, result from, and are posterior to the formation of states and societies; so that to maintain and regulate these is clearly a subsequent consideration. And therefore the principal view of human laws is, or always ought to be, to explain, protect and enforce such rights as are absolute, which in themselves are few and simple; and then such rights as are relative, which, arising from a variety of connexions, will be far more numerous and more complicated. — The absolute rights of man, (he goes on to observe a few lines after,) considered as a free agent, endowed with discernment to know good from evil, and with power of chusing those measures, which appear to him to be most desirable, are usually summed up in one general appellation, and denominated the natural liberty of mankind. This natural liberty consists properly, in a power of acting as one thinks fit, without any restraint or controul; unless

“ by the law of nature ; being a right inher-
“ rent in us by birth, and one of the gifts
“ of God to man at his creation, when he
“ endued him with the faculty of free will.
“ But every man when he enters into society
“ gives up a part of his natural liberty as
“ the price of so valuable a purchase ; and,
“ in consideration of receiving the advan-
“ tages of mutual commerce, obliges himself
“ to conform to those laws, which the commu-
“ nity has thought proper to establish. And
“ this species of legal obedience and confor-
“ mity is infinitely more desirable than that
“ wild and savage liberty, which is sacrificed
“ to obtain it. For no man that considers
“ a moment, would wish to retain the ab-
“ solute and uncontrouled power of doing
“ whatever he pleases ; the consequence of
“ which is, that every other man would also
“ have the same power ; and then there would
“ be no security to individuals in any of
“ the enjoyments of life. Political, there-
“ fore, or civil, liberty, which is that of a
“ member of society, is no other than na-
“ tural liberty, so far restrained by human
“ laws (AND NO FARTHER) as is ne-
“ cessary and expedient for the general ad-
“ vantage of the publick. Hence we may
“ collect that the law, which restrains a man
“ from doing mischief to his fellow citizens,
“ though it diminishes the natural, increases
“ the

“ the civil liberty of mankind: but every
“ wanton and causeless restraint of the will
“ of the subject; whether practised by a mo-
“ narch, a nobility, or a popular assembly,
“ is a degree of tyranny. Nay, that even
“ LAWS themselves, whether made with or
“ without our consent, if they regulate and
“ constrain our conduct in matters of mere
“ indifference, without any good end in view,
“ are laws destructive of liberty; whereas,
“ if any publick advantage can arise from
“ observing such precepts, the controul of our
“ private inclinations, in one or two particu-
“ lar points, will conduce to preserve our ge-
“ neral freedom, in others of more importance,
“ by supporting that state of society, which
“ can alone secure our independency. Thus
“ the statute of King Edward IV. which
“ forbade the fine gentlemen of those times
“ (under the degree of a lord) to wear pikes
“ upon their shoes or boots of more than
“ two inches in length, was a law that fa-
“ voured of oppression; because, however
“ ridiculous the fashion then in use might ap-
“ pear, the restraining it by pecuniary penalties
“ could serve no purpose of common utility.
“ But the statute of King Charles II. which
“ prescribes a thing seemingly as indifferent,
“ viz. a dress for the dead, who are all or-
“ dered to be buried in woollen, is a law
“ consistent with public liberty; for it en-
“ courages

“courages the staple trade, on which, in
“great measure, depends the universal good
“of the nation. So that laws, when pru-
“dently framed, are by no means subversive
“but rather introductory of liberty; for, (as
“Mr. Locke has well observed) where there
“is no law there is no freedom. But then,
“on the other hand, that constitution or
“frame of government, that system of laws,
“is alone calculated to maintain civil liberty,
“which leaves the subject ENTIRE MASTER
“OF HIS OWN CONDUCT, EXCEPT IN THOSE
“POINTS WHEREIN THE PUBLIC GOOD RE-
“QUIRES SOME DIRECTION OR RESTRAINT.”

Thus far this able writer. Whether there be any thing in the letter, or spirit of our laws, contrary to these noble declarations, is a question, which needs not create the least uneasiness to the author of this valuable performance. He could report the laws no otherwise than he found them. If there should be any such inconsistency, it cannot in the least invalidate the certainty, and weight of the truths, which he has here delivered. They hold, indeed, the rank of AXIOMS in the doctrine of government, carry their own evidence with them, and merit the thanks of all, who are cordially attached to the cause of liberty, and concerned for the advancement of the welfare of society.

Now

Now, of all the rights inherent in human nature, that of thinking for ourselves, and following the conviction of our own judgments in relation to the object of our faith, worship, and religious obedience, is the most sacred, incontestable, and, in every view of it, intitled to the most careful protection. It is, in the nature of it, the most important to every Being capable of moral obligation. It is the most essential to our peace, and that which every good man will be most tenderly concerned to have secured to him. If therefore, the preservation of the great natural and absolute rights of men be one of the chief, I should, perhaps, rather have said the very **FIRST**, of all the intentions, with which civil societies are instituted, and the rulers of them invested with power; what is the consequence from these premises? Must it not be this, that, in all governments, the rights of conscience should have a principal place assigned them in the care of those, to whom the protection of their fellow creatures is committed? If the securing of equal, impartial liberty in all those instances of it, in which it is not injurious to others, be so much the object of every equitable, wise, and well constituted system of laws, that all needless encroachments upon it are deviations from the spirit, which ought to be diffused through all laws, and impair the very benefit, which

they

they ought to confirm; can it be supposed that the rights of conscience ought not to be guarded from violation? To take for granted a renunciation of these rights, when men enter into society, is, of all presumptions, the most groundless. They are the last rights, which men can ever be imagined to give up to be modelled at the pleasure of others; nor is there any one principle connected with their submission to governors in other respects, from which such an inference can be deduced. Does it follow, that, because the magistrate is entrusted with authority to decide disputes between us and our fellow citizens concerning property, he is authorized also to determine points, which lie only between God and our own consciences? Because it is allowed to be his office to guard the peace of his subjects, and to inflict punishments for this purpose on those, who unjustly disturb it; is it to be taken for granted, that he is to dictate to them what rule of faith they shall adopt, and in what manner they are to worship the Deity, when it is allowed on all hands, that of these things the will of God is the only rule, and that no worship can be acceptable to him, but what is accompanied with the sincere conviction of him who offers it? Nay, there is no presumption in advancing a step further, and asserting that such is the nature of this right;

and

and in this respect, it stands upon a foundation peculiar to itself, and is distinguished from every other right, that it cannot be given up. Property may be resigned, transferred, or submitted to the regulation of others.

—A man may in many instances relinquish his ease, and subject himself to inconveniences, and, in so doing, act not only an innocent but a laudable part.—Cases may occur, in which a man may sacrifice life itself, and the sacrifice may merit the highest applause. But his CONSCIENCE, he cannot resign. To prove all things, and hold fast that, which is good, is not only a privilege but a duty; an obligation laid upon him, by the very nature of religion and virtue, and from which he cannot discharge himself without departing from the principles of both. It must always remain entire to him; nor, while the principles of the most reasonable liberty are allowed to subsist in their due extent, can any attempt be consistently made to take it from him.

There is no difficulty in discerning, that while I am speaking in this manner, an objection will offer itself to the reader; and that it will be supposed, that my own reasoning may be retorted against me. The more important conscience is represented, the more, it will be said, it falls under the inspection of the magistrate. To exempt it thus from

his jurisdiction will be thought laying a foundation for excluding him, by degrees, from taking that care of the safety of his subjects, which is confessed to be a part of his office. Religion, it will be urged, may be made a plea for any thing; and, if governors must never interpose to restrain it, there is no enormity but what will pass unpunished. But these objections arise entirely from imperfect views of the principle, which is here asserted. To contend for a right to think for themselves in some, and deny it to others, might indeed be chargeable with these consequences. But to contend for this, as a right to which **EVERY INDIVIDUAL** has a claim equally valid and clear, never can be justly liable to such an imputation. For a man first to own, that not only he, but all around him have an indisputable right, the very same right with himself, to be guided by their own consciences in religion, (and let it be remembered, it is thus the matter has all along been stated) for a man to allow this, I say, and yet make his persuasion a pretence for taking that liberty from them, is a contradiction so gross and palpable, that it is scarcely conceivable a person in possession of his understanding can fall into it. Were a person to be supposed capable of this extravagance, every one would instantly discern

cern that the very principle, upon which he pretends to act, condemns him. Were it again supposed, that the magistrate was to guard a part of his subjects only in the rights of conscience, it might be possible for that favourite part to make it a cover for violating the peace and safety of others with impunity: but let this protection be granted impartially to all of them, and no such consequences can take place. For protection consists in the prevention or suppression of injuries; and while this is allowed to be the office and duty of the magistrate, the duty, which he is to discharge equally to every one under his care, he will always have an unquestionable right, as the guardian of the whole community, whenever such misdemeanors are committed, to animadvert upon the authors of them. Nor is maintaining this at all repugnant to the general principles here asserted. For it is not in a religious, but political view, that such disorders come under his cognizance. It is not as offences against God, but as hurtful to the community, and breaches of the peace that he punishes them.^g Where this is not violated

^g What is observed above is not very different from what has been often said; but there is one thing more to be considered here, which, though it must have occurred to every thinking person, I do not remember

lated, the right of following their own convictions in religion without being molested for it, continues: the more sacred, important, and valuable it is; (and valuable it must be allowed to be to the advancement of truth, the real interest of society, and the

remember to have seen so distinctly mentioned as, perhaps, it ought to have been, viz. that the cases, in which the magistrate has a right thus to interpose, are the very same, in which persons out of civil society would have a right to defend themselves. Should a man, in the state of nature, be so weak or so wicked as, from a real, or pretended, plea of conscience, to oppress, defraud, or in any respect misuse another, every individual thus injured would be justified in punishing, or (if that word should be thought improper, where no government is supposed to exist) in restraining the transgressor by force. His neighbours might lawfully assist him, or, if they thought it necessary, enter into a confederacy to defend themselves against all such attempts upon their common security. This right, indeed, lodged in the hand of the magistrate, will, in all probability, be much more equitably and effectually exerted, than by single, independent persons: but the end of such an exertion of it is precisely the same, the nature of the occasions upon which he is to exercise this power is not changed, nor is the least right to use force in matters of conscience, as such, acquired by him in consequence of his having such a trust reposed in him. For his right to support his authority in the just execution of his office neither enlarges, or contracts, the bounds of any part of the office itself; the extent of which is always to be determined by the extent of those rights, for the defence of which he was invested with his dignity.

the cause of pure and undefiled religion) the more effectually it should be guarded from every encroachment upon it: and by this general rule, the real, genuine principles of Toleration are to be determined.

Let what has been observed then be applied to this purpose.—And we may collect from it in what light Toleration in general ought to be considered. There is room to think, (more room than was till of late apprehended) that it is considered by many as a matter of mere grace or favour, which government has a right to withhold, grant, abridge, or resume at pleasure. But, if the arguments, which have been advanced, are conclusive, it stands on a totally different foundation. It is the acknowledgment and confirmation of a right; not one of those adventitious rights, which are subsequent to the establishment of civil societies, and arise out of the peculiar forms and constitutions of them; but of those higher rights, which belong to men as such, and which ought to be preserved under all states and governments whatsoever. It is a branch of protection, which ought to be as effectually, universally and impartially secured, as protection in the enjoyment and exercise of any other right, which can be named.—The extent of it again, or, to speak more precisely, what is comprehended in the just idea of it, flows

flows from the same principles with equal evidence. If liberty of conscience be a right essential to human nature, ALL penalties, in cases merely of a religious nature, must be an infringement of a right, and a DEGREE of OPPRESSION, though inflicted by a law: nor can the expression be justly thought improper. Every law is oppressive, which is unjust; every law is unjust, which subverts the essential rights of mankind: and, if to judge for ourselves in religion be one of the first and most inviolable of all those, which have ever been dignified with this title; it is evident, that every hardship, laid upon men for using it, is a degree of oppression, which the complete and perfect idea of Toleration excludes. And, from the same principles, it can surely be no difficult matter to determine WHO are entitled to this protection. For this does not depend on the supposed truth or error of the sentiments which men may adopt; but upon the common right which all men have, to be led in these points by the light of their own minds, and to enjoy all the securities and benefits of society, while they fulfil the obligations of it. All, who can give good security to the government, under which they live, and to the community to which they belong, for the performance of the duties of good subjects and good citizens, have an undoubted claim to it, and cannot with any just

just reason be deprived of it. If, indeed, there are any, whose religious principles put it out of their power to give such assurances of this, as may be safely trusted, their case may be thought an excepted one; though in strictness of speech such cases are not so properly exceptions from the rule laid down, as cases, which can never with reason be supposed to be included in it; for to say, that all, who give proper, satisfactory pledges for their being faithful subjects, have a right to Toleration, can never give those the same right to it, who are incapable of giving such pledges. But whatever such cases may at any time appear, or be supposed now to exist, the principle upon which this argument is conducted stands untouched. It is not on account of their mistakes in religion, but their incapacity to be steady friends to the state, that they are laid under restraints. To fix these restraints upon any other footing, would be rendering them utterly indefensible. It is not error, but injury to the state, or the individuals, who are under the care of it, which justifies the animadversion of the magistrate; and all, to whom this cannot be justly imputed, are the objects of his protection: nor ought it to make any difference, in this respect, what are the comparative numbers of those different bodies of men, which compose the society. As the magistrate

trate is not to attempt to distress any of them, because they differ from him in judgment; so neither is he at liberty to sacrifice one part to the clamour and bigotry of the other; but, as the common defender of justice, equity and peace, impartially to preserve the freedom of them all. And here this part of the subject might be dimissed, were it not that the intervention of establishments of religion makes, in the opinion of many, a great alteration in the extent of this religious liberty; for which reason there seems to be a necessity of considering the grounds, and consequences of them a little distinctly.

That establishments cannot be justly founded on a right in the magistrate to impose his own sentiments in religion upon his people, must, if the reasonings hitherto pursued are allowed to be solid, be sufficiently clear. For whence can this right arise? It cannot accrue to him by virtue of his office. That is merely civil; and for him to assume the direction of conscience in consequence of it would be going beyond the end of his power, and exceeding the bounds of his authority. It cannot be given him by the consent of his subjects. — To give up the independence of conscience upon merely human authority, to any government, is making a sacrifice to it, which they have no right to make. — In this sense, they are not at liberty to call any man mas-

ter upon earth; and from hence it is no obscure, nor distant, but a near and obvious inference, that to suppose the office of the magistrate justifies him in demanding such a submission from those, who are under his power, is to make it incompatible with religion, and setting the duties of the man and the citizen at irreconcileable variance. — Let it be seriously considered to what this leads. If religion has a real foundation, and the obligations of it are immutable, and yet no man can become a subject of civil government, without implicitly resigning his conscience into the hands of the magistrate; upon this supposition, I say, (for, let it be observed, it is only upon this supposition that this argument is formed) submission to magistracy will be unjustifiable, and government itself will be shaken: since it assumes to itself an authority, which no earthly power can claim, and exacts a subjection which no man can have a right to yield. — If, again, to support government on this principle, it should be asserted, that the magistrate has such an authority over conscience, what becomes of religion? For a proper authority in the governor to prescribe, will always bring with it a correspondent obligation, on the governed, to obey: nor is this consequence to be evaded by saying, that, in such cases, a man must be willing to submit to suf-

ferings, rather than do evil. Where a rule of truth and duty is acknowledged independent on, and superior to, the pleasure of the magistrate, this reply is good. But if the direction of the magistrate is allowed to be the rule of our CONSCIENCE, or the standard, by which we are to govern our sentiments, and practice, in points relating to GOD; conformity to it will become the highest principle of our actions, and whatever he enjoins must of course be our duty. However he models, enlarges, or contracts religion, (let it be remembered this argument is still conducted upon this supposition only) it is our part to obey; and, though he should command things contrary even to his own conscience, which from political or other views is very possible, we must be bound in conscience to comply. And is this, I was going to ask, a principle which can be adopted by any one, who knows what religion and virtue mean, and is animated with a sincere regard to either? But it is needless. To ascribe such a power as this to any earthly superior is in reality to annihilate religion; and, instead of supposing it to have a real immovable foundation in truth, to resolve it all into the will of a fallible mortal. Nor will it be easy for persons to extricate themselves from the difficulties, which thus press them close on both sides,

till

till they are brought to separate the power of the magistrate to guard the rights and safety of the subject, and maintain his own authority for that purpose, from a right to assume a jurisdiction over conscience, which belongs to a much higher tribunal ; and thus, while they render unto Cæsar the things which are Cæsar's, reserve for God, the things which are God's.

The only just, reasonable and honourable conception of human establishments of religion, is that of PROVISIONS made by the governors of a state, for advancing the knowledge and practice of religion and virtue. According to this idea they stand on the same basis, and may properly be referred to the same general rank, with all publick institutions for the cultivation of the minds, and improvement of the morals of men : only, when well constructed, incomparably superior to them all, in weight, influence, and dignity. They are in our own country, if I may be allowed the expression, (in which I am sure not the most distant thought of disrespect to our ecclesiastical establishment is admitted) they are, I say, INCORPORATIONS by the legislature for the propagation of the gospel at home ; and, by a wise prosecution of the ends of them, may be productive of singular benefits to the present and future interests of men. But

then, considered in this light, I apprehend they cannot be deemed LAWS for the whole COMMUNITY, and universally binding on the members of it; but endowments in favour of those, who comply with the terms of them, and submit to the regulations enjoined by them. As human appointments they may be examined, and have any defects attending them calmly pointed out; and methods for the improvement of them may be laudably suggested. Whatever political necessities may in some cases have given rise to provisions to the contrary, in themselves they must certainly be alterable: and as it is a principle, in all well constituted governments, that no particular institutions erected by them, should contradict those primary maxims, by which all civil societies ought to be guided; so it must be farther allowed, that establishments of religion themselves should be regulated with a religious regard to these maxims. Proceeding now upon these data, it will be easy to arrive at the proper conclusion. For if, in all human societies, the religious rights of all men ought to be preserved to them inviolable; if it be a maxim too certain to be denied, and too important to be given up, that every man in the choice of his religion, is to consider himself as accountable to God, and bound to worship him according to his will, and not according to the commandment

of men ; if these are truths, there can be no difficulty in discerning, that all forcible methods of bringing persons to comply with religious establishments are absolutely unwarrantable. No encroachments on the native, original, rights of men, to procure them a more extensive reception, can be justified. Persuasion alone is the instrument, by which they should gain ground.—The evidence of their doctrines, the goodness of their institutions, and their conformity to the great standard, by which they are confessedly to be tried, are the only arguments by which they are to be recommended ; and no power should be annexed to them, or exerted in favour of them, to compel such as dissent from them to embrace them. Upon what principle, indeed, can the use of such coercive measures be justified ? Of themselves, establishments can claim no authority to employ force for this purpose. The civil power gives them their existence, invests them with their privileges, and confers upon them every distinction, which they possess. If the magistrate has no right to exercise dominion over conscience, in himself, he can impart no such right to them ; nor can they acquire it in consequence of his appointment : for, however he may think proper to encourage the members of them, the limits of his power, with respect to the other

other members of the community, are still the same. Their common rights, as good subjects, are not destroyed or lessened; nor can any zeal for his own sentiments, or the sentiments of one part of his subjects, vindicate his withholding his protection from the other. And no judicious friend of establishments can be displeased with the manner in which these points are here stated, or think it has any unfriendly aspect, on the usefulness and honour of such appointments. Those, who are for building them on the ruins of the rights of human nature, and can never be satisfied that they are safe, or can be permanent, till all, who in any instance depart from them, are brought into subjection to them, are, in fact and eventually, their most dangerous enemies. It is from this excessive zeal for them, that some of the strongest prejudices against these institutions have derived their existence. To represent them as carrying such claims with them is, in reality, taking the surest way to discredit them; and the greatest harvest of proselytes, gathered by such means, would be no accession to their praise, or any advantage to the cause of religion.

“ Cultus dei nullus est nisi ab animo vo-
“ lente procedat. — Voluntas autem docendo
“ & suadendo elicitor: non MINIS non vi.
“ Coactus qui credit, non credit sed credere
“ se simulat ut malum vitet. Qui mali sen-
“ su

“ *su aut metu extorquere assensum vult, eo*
“ *ipso ostendit se argumentis diffidere.*” Grot.
de Verit. R. C. Lib. vi. §. 7.

In all the views then, which have been taken of this subject, the result is the same; that liberty in matters of religion is the right of all; that a right to protection from the magistrate is the just consequence of their claim to this liberty; and that no difference of opinion, respecting modes of worship, or, in a word, any thing, which does not interfere with the rights of others, can justify his laying any restraints upon it. And great would be the pleasure to every liberal mind, if, amidst all the instances of a wise and vigorous attention to other branches of liberty, which run through the general system of our excellent laws, this also had been kept more steadily in view. But to the religious rights of men, it is apprehended that several of our laws are not altogether so favourable; and if, upon an application of the principles, here advanced on the subject of Toleration, to them, this shall be found to be the case, it is hoped that pointing it out will give no offence. To say of the best code of human statutes that they are not without defects, can be no undue presumption; nor can desiring to have these defects removed have any thing in it inconsistent with the character of the best

friends

friends to our constitution. And if in this part of my design several particulars should be mentioned, which have been more than once laid before the publick; it is not because there is the least desire to give disgust to any persons among us, or because any pleasure is taken in the recital; but for this reason only, that if they were omitted, the justice and weight of the reflections made upon the subject could not be understood.

Laws relating to Dissenters from the established religion in popish reigns have no concern here. They are all, it is presumed, either formally or virtually repealed. But upon the revival of the reformation, an act was passed,^h by which it is enacted, that all, who "have " no lawful, or reasonable excuse to be absent, " shall endeavour themselves to resort to " their parish church, &c. where common " prayer shall be used, upon pain of punish- " ment by the censures of the church, and " upon pain that every person so offending, " shall forfeit, for every such offence, twelve " pence." By a second statute,ⁱ passed in the same reign, the same offence, in every person above the age of sixteen years, subjects the offender to a fine of twenty pounds for every month,

^h Statutes at large, by Basket and Lintot, 1758.
vol. ii. 1 Eliz. cap. 2. §. 14.

ⁱ 23 Eliz. cap. 1. §. 5.

month, during which he shall so offend; and if the said offence shall be continued for a twelvemonth, he shall “over and besides the said forfeitures,” be bound with two sufficient securities in the sum of two hundred pounds at least, to his good behaviour, and this bond to continue in force until they “conform themselves, and come “to the church, according to the true meaning of the statute made in the first year of “her Majesty’s reign.” In the 29th of the same reign, another act was passed, to enforce that just mentioned of the 23d; and after that the celebrated act of the 35th of Eliz. took place, by which, attendance on the service of the common prayer is again required; ^k and all persons above the age of sixteen, who, besides absenting themselves from the established divine service for the space of a month, shall be present at any assembly, conventicle, or meeting, under pretence of any exercise of religion, contrary to the laws and statutes of the realm, are made subject to imprisonment, in which they are to remain till they conform, and make such submission and declaration of conformity, as is afterwards enjoined.^l — All offenders who do not, within three months after conviction, conform and make such submission, upon warning by the act prescribed, are obliged to abjure the realm; and it is

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^k 35 Eliz. cap. i. §. 1, 2.^l Sect. 3. ejusd. cap.

farther enacted, that if they either refuse to abjure, or if, after abjuration made, they do not depart; or if, after their departure, they return without special licence from her Majesty, in every such case, the person offending shall be adjudged a felon, and suffer as in cases of felony, without benefit of clergy.

In the two following reigns little occurs in the statutes which is very material to my present purpose. Some acts indeed were passed, in the time of James I. against recusants, containing some clauses, which, it is implied in the act of Toleration, might, as well as those mentioned, be extended to protestant dissenters; but of these I shall not enter into any detail. From the 4th year of Charles I. to the 16th no English parliament was held; the first called that year was almost instantly dissolved,^m and, after the meeting of the second, confusions broke out; a total subversion of the established church ensued; a new ecclesiastical polity rose up in its room; and ordinances in many respects equally severe, and repugnant to all the principles of charity, justice and humanity, with those which have been mentioned, were published by the powers, which had then the ascendant, in support of it. But soon after the Restoration things returned into their former channel,

^m It met the 13th of April, and was dissolved the 5th of May. Macaulay's Hist.

channel, and new laws against those, who did not conform to the ecclesiastical establishment were introduced; of which notice must be taken. The celebrated act of uniformity, 1662, forbidsⁿ any person, not having episcopal ordination, to celebrate the Lord's Supper, under the penalty of one hundred pounds for every offence; another clause of the same act declares,^o that every person, who is by that act *disabled*, [and the 15 Car. II. cap. vi. sect. 7. adds *prohibited* from preaching,] who shall during such disability preach any sermon or lecture, shall be imprisoned for three months. By sect. 8. of the same act it is enacted that every schoolmaster, though only teaching youth in any house, or private family, shall subscribe a declaration containing, among other things, a promise to^p conform to the liturgy of the church of England as by law established; and it is added^q that if any schoolmaster, or other person teaching youth in any private house or family, shall undertake such instruction before licence obtained, from the arch-bishop, bishop, or ordinary of the diocese, and “ before “ such subscription and acknowledgment,” as is by this act enjoined, he shall, for the first offence, suffer three months imprisonment, and for the second, and every other offence,

F 2

suffer

ⁿ §. 14 of the act.^o §. 21.^p §. 9.^q §. 11.

suffer the same imprisonment, with the additional penalty of the forfeiture of five pounds. Before this, by the very first act¹ of this session, it had been made criminal for five or more of the persons called quakers, of or above the age of sixteen, to assemble themselves at one time in any place, under pretence of joining in a religious worship not authorized by the laws of this realm: the penalty appointed is any sum not exceeding five pounds for the first offence, or ten pounds for the second; and for want of distress, or in case of non-payment within a week, imprisonment and hard labour for the space of three months for the first offence, six for the second: and for the third offence it is enjoined, that they shall either abjure the realm, or be liable to transportation; unless they take such oath or oaths² for which they stand committed, and give security that they will, for time to come, forbear to meet in any such unlawful assembly: in which case they are discharged of the penalties aforesaid. In the year 1665, the act for restraining non-conformists from inhabiting in corporations, generally known at that time, and mentioned by writers since, by the name of the five mile act, was passed.³ By this statute, all parsons, &c. who have not declared their unfeigned assent,

&c.

¹ 13, 14 Car. II. cap. i. §. 2.

² §. 5,

³ 17 Car. II. cap. ii.

&c. and have not subscribed the declaration contained in sect. 9. of the late act of uniformity,^u and shall not take the oath prescribed by this act, (and all persons preaching in any unlawful assembly,) are forbidden, till they have taken this oath, to reside within five miles of any town, which sends members to parliament, or of any place, wherein they had, since the act of oblivion, been parsons, &c. under the penalty of forty pounds for each offence; and, upon refusal of the oath, after such offence sworn against them, are liable to imprisonment for six months. And such persons are farther enjoined,^w “ to frequent divine service, as established by the laws of this kingdom,” or else to abstain from teaching publick or private school, or from taking any boarders or tablers, to be instructed by themselves or by any other, upon pain of forfeiting, in like manner for every such offence, the sum of forty pounds. And this was followed, in the 22d year of the same reign, by another act against conventicles,^x which subjects every person of the age of sixteen years, who shall be present at any assembly, &c. under colour or pretence of any exercise of religion, in other manner than according to the liturgy and practice of the church of England, to a fine of five shillings for the first offence,^y and of ten shillings for every succeeding one.^z

The

^u 13, 14 Car. II. cap. iv. ^w §. 4. ^x 22 Car. II. cap. i. ^y §. 1. ^z §. 2.

The preacher at every such assembly is liable to the penalty of twenty pounds for the first offence, and of forty pounds for each succeeding one.^a By the same act, a fine of five pounds is imposed on all constables, &c. who shall willingly omit giving information, of such meetings or conventicles held within his precincts, &c. to some justice of the peace, or the chief magistrate;^b and then it is declared,^c contrary to the general rule with respect to all penal statutes,^d viz. that they must be construed strictly, that " this act and all clauses therein contained, shall be construed most largely and beneficially for the suppressing of conventicles, and for the justification and encouragement of all persons to be employed in the execution thereof." Upon this footing I apprehend the laws against assemblies for religious worship, in any manner not conformable to the established, remained during the residue of that reign, and through the reign which succeeded it. What alteration was made in them, by the act of Toleration, will be more properly considered hereafter; in the mean time let us take a review of them, as far as this account has been continued.

And nothing, I think, can be more evident than that, through the whole tenor of them.

^a §. 3. ^b §. 11. ^c §. 13.

^d Blackstone's Comment. introd. §. 3. p. 83.

them, non-conformity, mere simple non-conformity to the established worship, and joining in religious worship in any manner not according to the practice of the church of England, are considered as proper objects of punishment by the civil power, and loaded with heavy penalties. I am sensible it may be said, and justice requires it should be acknowledged, that several of these laws were originally or chiefly levelled against the roman catholicks, ^c and that the incurable enmity which they discovered to the person and government of Queen Elizabeth, was the cause of their being passed. It may possibly be said farther, that as the roman catholicks were the persons against whom the penalties of these acts were chiefly intended, so absenting from church is considered in them as a mark of popish disaffection, and that it is for this reason such a strong guard is placed against it. Let this also be admitted, as far as it can with any justice be desired. It must nevertheless be acknowledged, that the bare act of absenting from the established worship, abstracted from any connexion with other obnoxious circumstances, is prohibited—that in consequence of these laws, those penalties might fall, indiscriminately, on all who did not comply with these clauses of them ; and,

from

^c Preamble to 13 Eliz. cap. ii. Heads of cap. i. and preamble to 23 of Eliz. cap. i.

from 1662 to the Revolution, it will not be disputed, I imagine, but the whole body of those, who did not join in the established worship, were supposed to be comprehended under them.^f The act of the 1st of Elizabeth, appears to be directly and originally intended against ALL who did not thus conform. The act of the 35th of Elizabeth must be allowed to be aimed against sectaries in general: and, whoever is acquainted with the state of things at the passing of it, will have little doubt but that it was designed to affect the puritans, if not principally, yet equally with any other. If I had said it was contrived almost solely with a view to them, I should not, I presume, have erred; since it is declared in the same act,^g that no popish recusant shall be compelled or bound to abjure, by virtue of it. That it was on account of PROTESTANT dissenters from the national form of worship, that all the laws made in the time of Charles II. which I have been now enumerating, that it was, I say, on their account, that these statutes were passed, and against them that they were immediately intended to operate, is universally allowed. ROMAN CATHOLICKS, it is well known, were

the

^f The statute of 16 Car. II. cap. iv. for suppressing of seditious conventicles expressly declares the 35th of Eliz. to be in force, and that it ought to be put in execution.

^g §. 12.

the FAVOURED party, with some of those at the helm, during a considerable part of that reign. Whatever was done to restrain them was extorted by the voice and the murmurs of the people, and the remonstrances of the two houses, when they began to be aware of the designs of the court. The protestant non-conformists were the obnoxious set of men, who were to be harrassed and oppressed. No short indulgencies were granted them, but what were suspected, at least, to proceed from some dangerous designs; and when it was found that no stratagem was effectual to bring them to countenance measures, which they judged inconsistent with the liberties of their country, and hazardous to the interest of the protestant religion, all the power, which the laws had thrown into the hands of their enemies, was exerted to crush them with as much eagerness as ever.

Now, in order to justify these laws, it must be supposed that non-conformity is in ITSELF a crime, and a very heinous one. For to say that the laws have made it a crime is saying nothing: since, upon this principle, there is no action, how innocent, how laudable soever, but what may be converted into a crime, and the law, by which it is punished, may be vindicated. If this method of reasoning be just, it was a crime in Daniel to persist in his devotions after they

were forbidden by the decree of Darius ; and the death, which the enemies of that noble example of fortitude in the worship of the true God, insisted on his suffering, was no more than he merited. By this argument it was criminal in any of the Jews to acknowledge Jesus as the Messiah, because it had been made a rule among them, that if any man did confess that Jesus was the Christ, he should be put out of the synagogue. When the spirit and fitness of any laws are under consideration, the determining point is, what reasons there were, antecedently to their being enacted, to induce the legislators to adopt them ; and the question in all PENAL laws in particular must be, whether the thing prohibited by them is in itself a just object of punishment. If this great requisite to their justification be wanting, all attempts to defend them will be impotent and vain.

To assert, that non-conformity to the established religion of any country, is in itself an offence against the state, is to maintain a position unsupported by scripture, reason and experience, and indeed confuted by every one of them. St. Paul evidently supposes, that non-conformists might be the best of subjects to the civil magistrate, when he enjoins christians, whose religious principles stood in the most direct opposition to the established worship of the heathens, to be “ subject to the “ higher

“ higher powers,”^h and commands that they should be taught to be “ subject to principalities and powers, to obey magistrates, and “ to be ready to every good work.”ⁱ St. Peter must have been fully convinced that disapprobation of the authorized religion of the Roman empire was perfectly consistent with loyalty to the rulers of it, when he requires those to whom he wrote,^k “ to be subject to “ every ordinance of man for the Lord’s “ sake; whether to the emperor^l as supreme, “ or unto governors as unto those, who are “ sent by him for the punishment of evil-“ doers, and the praise of them that do well:” and yet, while he warns none of them to suffer as evil-doers, encourages them, if they suffer as christians, not to be ashamed, but to glorify God on this account. Where indeed is the repugnance between not assenting to the established worship, and retaining at the same time the warmest affection to the welfare of the state? Men may yield subjection to the civil laws of their country, and bear their share of the publick burthens; be zealously attached to their sovereign, benevolent to their fellow subjects, unite with them in their endeavours to support the authority of the government, and to resist their common enemies whether foreign or domestick; and,

^h Romans xiii. 1.ⁱ Titus iii. 1.^k I Ep. ii. 13. ^l Grot, & Beza on the verse.

in a word; enter chearfully into every measure, which is necessary to advance the peace, prosperity, and reputation of the community, though they may differ widely in their religious sentiments from their superiors, or from the majority of those about them. Nor is this mere theory. — It is certain and notorious fact. In Switzerland we have an instance which comes nearly up to this. There protestant and popish cantons are all vigorous in keeping a confederacy, for the preservation of their common liberty, unbroken. In the United Provinces we have an instance which comes nearer to it still. Calvinists, arminians, and other religious denominations of that republick, have unanimously shown themselves ready to assert its freedom; pursued the interest of their country with unremitting attention; and, notwithstanding all their variety of religious tenets, live amicably one with another. Our own nation has for many years happily afforded us a case of this nature, which is fully in point; and whoever looks back to the year 1745, and recollects the fervour and animated resolution, with which all parties among us rose up, as one man, to repel the attempt, which was then made, to subvert the settlement of the illustrious house of Hanover in the throne of these kingdoms, and defend the wise and beneficent constitution, from which they derive such

such invaluable blessings: whoever attends to this, and to the friendly intercourse, which subsists between the members of our religious establishment, and those, who in some respects differ from it, will want no farther confirmation of what is here asserted. It is indeed only a contracted view of things, which can lead any to call it in question. And if any instances should be supposed to occur in history to the contrary, it will be found, upon examination, that they have never been really occasioned by the just principles of religious liberty. The non-tolerating spirit has been the true source of them;

“ *Hoc fonte derivata clades*
“ *In patriam, populumque fluxit.*”

If non-conformity then is in itself no offence against the state, and yet dissenters, as such, are still considered as the proper subject of punishment, from what principles must this judgment be formed of them? From these, and these only, that all persons are bound to take their sentiments in religion from the legislature:—that it is a duty incumbent on them, to acquiesce in, and conform to, what the ruling powers establish; and that to separate from it, and conduct religious worship in a manner not prescribed by them, is a sufficient reason for inflicting penalties

nalties upon those, who are convicted of it. From these maxims the laws, which are now under consideration, derive their existence; and whoever carefully weighs the language, and enters into the spirit of them, will find that these are the principles which are implied in every one of them. It is true, indeed, that different reasons are assigned in the laws themselves for passing them. The 35th of Elizabeth, so often mentioned, is said to be "for the preventing and avoiding " of such great inconveniencies and perils, " as might happen and grow by the wicked " and dangerous practices of seditious secta- " ries and disloyal persons."^m But, besides what has been suggested of these acts in general, and is particularly true of this, that they are so constructed as to involve all, whether peaceable or seditious, loyal or disloyal non-conformists, in one common condemnation; it will perhaps be found that mere dissenting from, and censuring some appointments of, the established religion, are the very grounds, in part at least, upon which this sedition is laid to their charge. And this appears to me evident from the submission, which, by this act, persons who had transgressed it were allowed and required to make, in order to avoid the penalties which they had incurred; and which, as it may possibly never have been

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^m See the beginning of the act.

seen, or perhaps so much as heard of, by some persons, into whose hands this essay may fall, is here transcribed: “ (1) I A. B. do “ humbly confess and acknowledge, that I “ have grievously offended God in contemn- “ ing her Majesty’s godly and lawful go- “ vernment and authority, by absenting my- “ self from church, and from hearing divine “ service; contrary to the godly laws and “ statutes of this realm, and in using and “ frequenting disordered and unlawful con- “ venticles and assemblies, under pretence “ and colour of exercise of religion; (2) “ and I am heartily sorry for the same, “ and do acknowledge and testify in my “ conscience, that no other person hath, “ or ought to have, any power or autho- “ rity over her Majesty; (3) and I do pro- “ mise and protest, without any dissimula- “ tion, or any colour or means of any dis- “ pensation, that from henceforth I will, from “ time to time, obey and perform her Ma- “ jesty’s laws and statutes in repairing to the “ church and hearing divine service, and do “ my uttermost endeavour to maintain and “ defend the same.”ⁿ And if from hence we descend to the laws of later date, which have now been before us, we shall find the same, or similar principles interwoven with them, and inseparable from them. Thay clearly suppose,

suppose, that the rule enjoined by the government is the rule, to which every person in the realm is to conform in publick worship. — That his non-compliance with it brings him under a guilt cognizable by human tribunals, and justifies the magistrate in laying any penalties upon the supposed delinquents, which shall be judged necessary to compel them to submission. To go on to enquire, after this, how far such laws are reconcileable to the principles of Toleration, would be almost an affront to the understanding of the reader. More has been said already than would have been thought needful, were it not for the implicit approbation, which some may give to these laws without ever reflecting on the foundation of them. — On this account it was thought requisite to trace them up to their first principles; and nothing can be clearer, than that they stand in the fullest opposition to all claims of religious liberty. According to these, in matters relating to God, every man is to judge for himself. But these laws virtually assert, that the magistrate has a right to judge for him. The principles of Toleration affirm, that, for the use of this merely religious liberty, no man ought to be hurt with respect to his peace, freedom or estate. These laws imply, that for this cause alone, he may be punished with respect to all these interests: that

that is, in other words, that he may be persecuted for conscience sake; for these are the very principles upon which persecution relies for its defence: they are pregnant with all the evils of which that dreadful iniquity is productive; and, wherever they are admitted, vindicated, and the effects of them justified, the principles of Toleration are so far excluded. To be consistent advocates for the continuance of penalties founded on such a basis, and friends to the rights of conscience in their due extent, is impossible. So long as these laws remained in their full force and extent; so long as they were the rule of judgment upon all those who thought themselves bound to dissent from the ecclesiastical establishment; no liberty of choosing any kind of religious publick worship but that, which was commanded by the government was acknowledged to belong to the subjects of it. All supposition of any right in persons to be tolerated in departing from points determined by that establishment, was so far from being suffered to take place, that it was rejected as utterly inadmissible, and a power virtually ascribed to the magistrate of prescribing, to those under his jurisdiction, whatever articles and forms of religion he might think proper. For the same principles, by which conformity to these doctrines, and modes of worship was required, might, with equal

justice, have been applied to any others enjoined in like manner; the same arguments which were urged for inflicting punishments on those who refused submission in cases already settled, would have been judged equally clear and cogent for the use of them in all others of a similar nature; and no pleas of conscience, how sincere soever, would have been allowed as a sufficient reason for exemption from them.

When the ever-memorable and auspicious Revolution had taken place, the severity of these laws was exchanged for a toleration of the sentiments and worship of those persons, who had so long and greatly suffered in consequence of them; and the dawn of constitutional religious liberty broke in upon the kingdom. The dissenters joyfully and gratefully owned the alteration, which was made in their favour; and it is with the same dispositions, that the dissenters of these days look back to the relief, which was then granted to their predecessors, and attend to the happy consequences, which may be considered as resulting from it to themselves. It is with a degree of pain that they find themselves under a necessity of speaking of it as in any measure inadequate to the relief of those, who, upon the right principles of Toleration, ought to be placed in security. But if the limitations contained in it be considered,

dered, it will appear that the ease given by it to conscientious dissenters, though great, was not absolutely a complete one, even at the time of its passing. In these days it is much less so. The great changes which the religious sentiments of all denominations in the kingdom have undergone since, exclude great numbers who are entitled, upon all the principles of reason and humanity, to enjoy religious liberty, from the benefits of it; and render the Toleration which is granted by it, in fact, a very defective, contracted one; and that not only in the light of political justice, but I believe it may be added, upon the very principles of many of the most eminent adversaries to any extension of it.

The quakers, it is well known, are entitled to the advantages of the act of Toleration, ^o upon subscribing the declaration against transubstantiation, making a declaration of fidelity to the government, professing their belief in the Father, Son, and Holy Ghost, as one God, and acknowledging the inspiration of the Holy Scriptures. But, in order to be comprehended in these clauses, it must surely be necessary for a man to profess himself a quaker; and every preacher among the dissenters, who cannot do this, must either subscribe to all the other articles of the church, excepting the 34th, 35th, 36th, part of the

^o §. 13. compared with §. 2.

20th, and that part of the 27th which relates to infant baptism, or be liable to all the penalties to which he would have been subject, had the act of Toleration never taken place. Let it be considered then who are, by the tenor of this act, deprived of all advantages from it. — By the 1st and 2d articles, not only those, who openly contradict the doctrine of the Trinity, as stated in the articles, but every one, who, from the difficulties which he may find attending it, is not able to declare his assent to it, is debarred from all the benefits of Toleration. — The 5th article excludes all those, who think with the Greek church concerning the procession of the Holy Ghost — And the 8th article, by declaring the creed of Athanasius to be one of those which ought thoroughly to be received and believed, will be thought by many to exclude all those, who DO BELIEVE this part of the established doctrine, if they cannot at the same time declare all those, who do not receive it, subject, without doubt, to perish everlastinglly. — By the 17th, all those who are dissatisfied with the doctrine of predestination, in what is commonly stiled the calvinistick sense of the doctrine, and, who are nevertheless persuaded that in this sense it is taught in the article, and that the profession of it, in this sense, is implied in their subscription; all these, I say, are debarred from the

the benefit of the act in like manner. To say, they mistake the meaning of the article, does not lessen but, in the event, rather aggravates the hardship: since, in this case, they are excluded, not for any error in doctrine, but merely by understanding the article to teach a doctrine, which not only the language of it strongly favours; but which it was generally supposed to teach for many years after it received the sanction of authority; and which the commons in parliament, in the year 1628^p avowed, in OPPOSITION to the sense of the arminians, to be delivered by publick act of the church of England, and by the general and concurrent exposition of the writers of that church. It was, indeed, if bishop Hoadley's authority may determine this matter, one of those points, which were once thought as fundamental and essential to orthodoxy, by numbers in the church of England, as they still are among some protestants, till, as he tells us,^q archbishop Laud altered the whole current of the received doctrine, and accommodated this doctrine so altered, to the words of the articles first framed upon another scheme.— It will, again, be a matter of very serious doubt, at least, with many, whether, in consequence

^p Macauley's hist. vol. ii. p. 35. 8vo. ed.

^q Answer to the representation of the committee, p. 268.

sequence of the subscription required to the 18th article among the rest, such as cannot bring themselves to deny salvation to the most virtuous heathens, and in a word to all those who have not heard of the gospel, are not excluded also. — And it is presumed it is out of all question, that all persons, who do not acknowledge, that the “ fault or corruption of the nature of every “ man, that naturally is engendered of the “ offspring of Adam — in every person “ born into the world, deserveth God’s wrath “ and damnation ; ”¹ all, who ascribe to man, since the fall of Adam, an ability “ to “ turn and prepare himself by his own na- “ tural strength and good works, to faith and “ calling upon God ; ”² and all those, who scruple to affirm, that “ works done before “ the grace of Christ and the inspiration of “ his Spirit, are not pleasant to God ; ”³ and know not how to say they “ doubt not that “ they [such works] have rather the nature “ of sin : ” there is no question, it is apprehended, but that all, who are included in this number, will, if subscription implies belief, be incapable of deriving any security from this act. — Let these particulars now be weighed, and how narrow will the limits of this Toleration appear ? Were the establishment of the church of England now to be

¹ See article 9th. ² Article 10th. ³ Article 13th.

be formed, or were it thought expedient to model the articles of it anew; the appeal is clearly made to the laity, the clergy, and even to those, to whom the government of the church and clergy is committed, whether subscription to all these decisions would still be required? Would they think it consistent with the wisdom and charity, with which they would undoubtedly conduct such an undertaking, to make assenting to propositions so doubtful, and which have been the subject of so much controversy, as some of these are known to have been, the condition of being admitted to the ministry? Would they fix upon that as the center of union, which, instead of uniting, must divide; give uneasiness to numbers of candid, thoughtful, and ingenuous minds; and perhaps keep many of those, whose concurrence would be a strength and ornament to their cause, from continuing among them? As the establishment is now constituted, it is a fact universally known, that there are the widest differences of sentiment, among the clergy of it, upon several of these topicks. So far is this from being accounted a reproach, that it is appealed to as a token of the extensive charity and moderation of the church of England, that such freedom of thought subsists among those, who are received into her bosom. And, if they think it would be

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wrong to insist upon greater uniformity of judgment in those of their own body, can it be reasonable to exact it from others, in order to their enjoyment of a Toleration? It is undoubtedly an error (and deserves to be esteemed a very great one) when doctrines of doubtful disputation, and unessential to the interest of religion, are bound upon the ministers of any church, and those, who cannot assent to them, are rejected as unfit to partake of the advantages, or discharge the duties of that important character. The nearer any establishments approach to pure, original christianity, and the more the genuine spirit of the gospel appears in them, with all its native lustre and simplicity; the more excellent, the more amiable they are in the eyes of their friends. The more superior to all the objections of their enemies they will always be found: and, wherever any advances are made in bringing any of them to greater degrees of this perfection, there is not a judicious advocate for truth and charity, who will not be ready to say, with an illustrious promoter of both; *Blessed be they who have contributed to so good a work.*^u But to contend for making doctrines greatly controverted, and which, if they were not already in possession of a place among the articles of

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^u Bishop Hoadley's postscript to his answer to Dr. Hare, p. 207.

the church, would perhaps never be admitted into the number: to contend, I say, for making these the boundaries of a Toleration, and, (which is the plain meaning of it, how harshly soever the exposition may sound,) plead for leaving those, who scruple assenting to them, subject to the terrors of fines, imprisonments, and all the hardships which these penalties may bring with them, hurts humanity itself. These are severities, which it ought not to be supposed one, even of those gentlemen, who oppose making the act of Toleration more extensive, would wish to take place. And I am persuaded that I do no more than justice to the equity and candor of their dispositions, when I say, that were the execution of the laws which still stand in force, against all those, who cannot come up to the conditions required by the act of Toleration, to be revivified, they would find all the generous feelings of their hearts revolt at the consequences. But what part then might it be expected every one, who professes himself a friend to Toleration, when the question comes before him, and waits for his sober, impartial decision, should choose? What? But to join in placing it on a more enlarged basis, and procuring for those, who request it, that extensive legal security, which the spirit of the gospel requires they should enjoy,

and to which natural justice gives them an unquestionable title?

And this, of course, brings on the consideration of the step, which the dissenters so lately took, of applying for an enlargement of the liberties which are granted them by the act of Toleration. It may indeed be supposed that, if what has been said be granted, all occasion to add any thing farther upon the subject is precluded. And were the principles of religious liberty admitted in their just consequences, and the nature of the application made by the dissenters universally understood, it would be so. But since the attempt itself has been much misapprehended; since there are persons, truly respectable for their understanding and character, who have so amazingly overlooked the natural inferences from their own principles, as to profess to adopt the most generous notions of Toleration, and yet shown themselves utterly averse from granting the relief requested; it cannot be superfluous to debate the question. The reflections which the attempt has drawn upon the dissenters, render it every way expedient; and, far from deserving to be thought an instance of over-officious zeal, it is but a mere act of justice to remove the objections which have been made to their conduct. The TIME and MANNER of their application are only circumstances,

stances, in which the merits of their case have little or no concern. It is the NATURE of their request, which is to determine the judgment of every man relating to it: and if it shall appear, that what they asked was reasonable in itself; — that it was not asked without occasion; — that the evils apprehended from granting it were either imaginary, or insufficient reasons for rejecting it; — that their general character and conduct afford no ground to judge them unworthy of the liberty which they solicited; — and that the terms upon which they desired to enjoy it, were adequate to every demand, which could reasonably be made upon them: — if these things shall be found evident, it is presumed their application stands clear of exception, and will be found to aim at nothing contradictory to the principles of good subjects, consistent protestants, and sincere christians.

Let the NATURE of their request be first considered. For if this was wrong in itself, the point is already decided. But upon what principle can this be asserted? Will it be maintained that the laws from which they desire a farther exemption are, in themselves, right and equitable? If there be any remaining who can seriously retain this opinion, and think it fit that mere dissenters from the doctrines of the church should continue liable to legal penalties, it is natural for THEM

to esteem the matter of the request wrong. In their apprehension the act of Toleration, limited as it is, must be unreasonable; and they must judge, in opposition to the sense of our rulers, who first passed the act, and the repeated and most publick declarations of all the constituent parts of the legislature, that, instead of being extended, it ought not to be in any degree maintained, but revoked, and that all the severities of former days should be acted over again. But it is not to persons of this complexion that the dissenters can be supposed to refer the merits of their late petition. They founded their hopes of success in a persuasion, that persecuting laws were now allowed to be indefensible; and that the justice of Toleration, and the political wisdom of it too, had the universal suffrage. That the matter of their petition therefore, should be condemned, as wrong in itself, by gentlemen professing to espouse these sentiments, appears to them beyond explication. Whether any of the articles, which the dissenters may scruple to subscribe, in any respect vary from the truth or not, is a point, into which it is utterly needless here to enquire. The question to be attended to is this; does their doubt of any of them affect their character as good subjects? Is their declining to profess their belief of a number of doctrinal propositions, (the sense, of some of which, is disputed, and the certain meaning of others

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of them utterly contradicted, by numbers of the ablest, most learned, and most respectable of those, who enjoy the emoluments, which are annexed to the established church,) a sufficient ground to judge them unworthy of the protection of the government? If not, it must still be a wonder, that any of the advocates for Toleration should assign the mere matter of the request of the dissenters as a cause for rejecting it; and will continue to be so till a very convincing reason is assigned for the refusal. For it is to be considered, that, if Toleration be the general right of all, who approve themselves good members of society, those, who oppose it are the persons, upon whom it is incumbent to prove that it ought not to be granted.

The author of the letter to the dissenting ministers, who applied to parliament for relief, has, it must be owned, attempted to show this. His reason in short is, that the act passed for the relief of dissenters at the Revolution, confines Toleration to matters of discipline only; and that the Toleration then granted to protestant dissenters, as such, could not be meant to extend farther than to the points, in which they differed from the national church, with which, at that time, they agreed in points of doctrine.^w Had this reasoning been advanced by a person of

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^w See the letter, p. 4—11.

lower abilities, many would be disposed to think that the bare stating of this objection to the application of the dissenters, is, in effect, answering it, and that it might be safely dismissed without any reflections. But the deference due to a writer, who certainly discovers much, both of the language and address of a gentleman, in his manner of writing, requires that more particular notice should be taken of it. With submission to his authority then, it may be observed, that his representation of the act of Toleration itself is not perfectly exact. He says, that the act " did not mean to tolerate doctrines " different from those of the christian church " in general."* How then came the body of the quakers to be included in it? Their doctrines, at that time, were certainly different, in some respects, from those that were generally held by the christian church; and their denying the obligation of the sacraments in particular, was a departure from the most universal consent of the sentiments and practice of the christian church, which can be urged in favour of any points, which were ever called into question. Whoever attentively considers the construction of the act of Toleration, and the judicious remarks, which the author of the case of the dissenters has made upon it, will find reason to believe, that

* Letter, p. 2.

that the intention of the act was to comprehend all protestants, who assented to the received doctrine of the Trinity ; and that the measure of their subscriptions, or declarations, relating to religious doctrines in other particulars, was adjusted to the degree, in which the several denominations of them were known to approach to, or depart from, the articles of the national church. Had not this been their design, it is inconceivable that the quakers, who stood at so great a distance from the established church, in points of doctrine as well as discipline, should have been comprehended in it, and "enjoy," as the act expressly says they shall, "all the other benefits, privileges, and advantages, under the like limitations, &c. which any other dissenters shall or ought to enjoy, by virtue of this act." And can it be supposed then, that, if the presbyterians or independents had differed farther in their sentiments, than at that time they did, from the articles of the church, the same parliament, which consulted in this manner the ease of that body, (which, useful and respectable as it is, was certainly the least popular, in respect to religious sentiments, of all the other tolerated bodies of men,) can it be supposed, I say, that, in this case, the ease of the other dissenters would not have been equally con-

consulted? ² But, admit the fact to be as this author has stated it; of what weight is it? Is it a consequence, that because that parliament went only thus far, succeeding ones must go no farther? If the dissenters of those times needed nothing more to make them easy, and therefore asked for nothing more, does that make it unreasonable for their successors to ask and obtain more? In a word, the question is not, what was formerly determined, but what the rights of conscience make it equitable for men to request, and for the legislature to grant: and if the laws against dissenters were wrong in themselves, and those, who still lye open to them, have an equally just plea to be placed out of the reach of their oppression with those, who are now sheltered from it; nothing can be plainer than that they ought to be put in the same secure situation; and that the request of the dissenters was just and good.

To suppose that Toleration is to be limited, by the articles of the national church, is, in effect, reducing the Toleration of protestant dissenters to very little in this; and, in all roman catholick countries, it is giving up the Toleration of the whole body of protestants entirely. They differ from the national churches of the states, of which they are parts,

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² Bishop Burnet says the Toleration act passed EASILY. vol. ii. p. 10. folio.

not only in discipline, but in doctrines. Their opinions are inconsistent with those, which are established by law, in points, which the catholicks esteem fundamental;—in those which concern the rule of faith, and the objects of worship: and they have given it as their judgment, that the honours paid to saints, to images, and to the host, are nothing less than idolatry. Will this writer therefore say, they ought not to be tolerated, but lie open to the punishment of the gallies, imprisonments, and all the tortures of the inquisition? If he esteems this too absurd to be admitted, with what consistency can he suppose, that the dissent of protestants from a PROTESTANT church, in some points of doctrine, destroys their title to a legal Toleration? It is no justification of this oppression, to dignify the principles, thus enforced by penalties, with the sounding titles of doctrines, which have been acknowledged by the christian church in general, and the supposed fundamentals of christianity. The consent of all the churches upoo earth, in favour of a doctrine, creates no obligation upon others to receive it, in opposition to their convictions, that it is unsupported by scripture; nor authorizes the application of penalties to enforce it. Christianity itself is not to be propagated by the terrors and cruelties of persecution. It is not many ages

since transubstantiation, and all the merciless load of the other enormous corruptions and superstitions of popery, were "maintained" by all the established churches of the western world, and it was esteemed impiety to dispute them. To insinuate, therefore, that persons become unfit for a Toleration, by departing from those doctrines which an established church, or all established churches (if that expression is liked better) judge to be fundamental; to insinuate this, I say, is fixing a brand upon the Reformation. It opens a door to oppression wherever such dissent from the publick religion is to be found, and, in a PROTESTANT, is something astonishing. Every church, as Mr. Locke observes, and as it has been innumerable times observed after him, is orthodox to herself, and judges her doctrines to be those of christianity. The church of Rome maintains several of those doctrines, which are utterly REJECTED by protestants, to be the ancient catholick faith of christianity; and, whatever some of her more moderate members may do, in her publick, authentick acts, excludes all, who deny them, from being truly parts of the christian church. So that wherever the faith of THAT church is established, all those who adhere to the doctrines of the REFORMATION, must, upon this author's own principles, lose their claim to-

to a Toleration. But there is a peculiar unreasonableness in confining this privilege within these limits, if, as he affirms,^a there are doctrines inserted in the articles of the church, which were not intended by the compilers as credenda, or things necessary to be believed. To be obliged to subscribe these is surely more than can be necessary to a Toleration, even upon his own principles: nor is it any alleviation of the burthen, that the dissenting ministers were formerly supposed to approve them, and have actually assented to them in their writings.^b Whether they approve them or not, the dissenting ministers are laid under the same necessity of subscribing THESE articles, as they are under to subscribe the most fundamental doctrines, which can be named among the whole collection: and it very little mitigates the hardship, that they are spoken of under the softening title of articles of peace.^c This is a distinction in the articles, which the dissenters know not that they have any warrant from publick authority to make; and, if by this is meant, that they are only articles not to be opposed, the answer is, that to declare an approbation of, and subscribe to an article, is, in the judgment of the dissenters in general, an act of

^a Letter, p. 7.^b Ibid. p. 7.^c Ibid. p. 9.

a very different amount from a bare promise to keep silence in relation to it.

But supposing all this to be admitted in favour of the dissenters, their application is blamed by many, as being a needless one. The state of their cause, delivered to the members of the two houses, is spoken of as dwelling upon appearances of a persecution which no where exists, and only slipping as it were by accident, into an indirect acknowledgment that the violation of the law has been connived at. But was it possible for the cause to be otherwise drawn up? Does not every petition for the redress of grievances, carry in it a representation of those grievances? Were the dissenters to lay before the legislature their desires to be relieved from burthens, without specifying what these burthens were? To charge them, though ever so indirectly, with an intention to insinuate, that they suffer hardships from which they are entirely free, is to load them with an imputation of unfairness, for which they have given no cause. Their complaint was not of the spirit of the times, but of the spirit of the laws, from which they hoped to be relieved. This, whether those laws are executed, or unexecuted, is in itself still the same; and if the recital of the substance of them excites "horror and compassion,"^c the reproach

^c Letter, p. 3.

^c Ibid. ubi sup.

reproach falls upon them, and not upon the administration of the government, the mild and gentle tenor of which is thankfully perceived, and chearfully owned, by every dissenter in the kingdom. But connivance is not legal Toleration ; non-execution of the penal laws, against non-conformists, is a very different thing from proper exemption from them. And, if this be what they are persuaded they may reasonably ask, upon what principle they can be blamed, merely for making an application for it, is little short of being utterly incomprehensible. Was it ever imputed to men as a crime, as an instance of restlessness, or even a want of decorum, that they desired not to be left open to oppression ? Or can it be any reason for censuring persons as not easily satisfied, ^f that they are solicitous to be guarded from dangers, to which they are always exposed, and from which, though they have no immediate prospect of it, great evils may possibly come upon them ? To say, that the dissenters labour under no grievance, though in one sense it may be allowed, falls far short of the point. If the laws in question are in themselves unreasonable ; if several of them were at first dictated by a spirit of revenge ; calculated for bad purposes ; and may be made the instruments of breaking in upon

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^f Letter, p. 37.

the peace, property and liberty, of persons of the most unexceptionable behaviour, and irreproachable character, whenever the malice, animosity, or avarice of some of the worst of men, may instigate them to such means of gratifying these passions: if this, I say, be really the case, to be liable to such evils is itself a grievance; a grievance which it would be want of prudence, of regard to the welfare of those in whom we are interested, and of a just concern for the common cause of liberty itself, not to be solicitous to remove: To represent the petition of the dissenters, therefore, as a solicitation for what is apparently something, but really nothing,^g is, with submission to a late writer, scarcely consistent with that candor of which he makes such ample professions. And were it so, the difficulty would only fall back upon himself, and leave every man, who is unwilling to admit unfavourable thoughts of the justice and humanity of his fellow creatures, at a loss for a reason for his being so much disturbed, by the dissenters making an application for, what he calls, an unsubstantial favour.^h To say, “ it “ was too much to be granted, and too little “ to ask,”ⁱ may please the imagination by the antithesis, but has too much the air of an enigma in it ever to satisfy the understanding.

^g Letter, p. 4.

^h Ibid. p. 4.

ⁱ Ibid. p. 37.

standing. It may sound prettily, but will not bear the test of a sober examination. If the judgment of the petitioners is to determine this point; what they apprehend it reasonable to request, and worthy of their application to obtain, is neither too great to be granted, nor too little to be asked. If, on the other hand, the persons, to whom the petition is addressed, allow the request to be reasonable, it may be, indeed, in their opinion too little to be asked (for it should, in that case, have been given without asking) but it can never be thought too great to be granted. And should it be supposed, once more, that the request is deemed an unreasonable one; the contradiction still remains. The subject of the request may, it is true, be judged too great to be granted: but then it can never be too little, but too much, abundantly too much to be asked. To consider a grant as next to nothing, and yet to oppose it with the seriousness with which this author seems to oppose it, is, in reality, almost without a precedent. The smallness of a favour has often been deemed a good reason for bestowing it; but it is not easy to recollect an instance, in which it has been judged, of itself, a sufficient ground for withholding it. And were the alteration desired by the petition of the dissenters, only an apparent improvement of the Toleration, there

there is reason to believe, that many of the establishment, as well as the dissenters, would sincerely rejoice to see it adopted, as a purgation of our laws from what numbers consider as so many blemishes in them, the taking away of which they cannot help thinking would greatly encrease their beauty, and give new force to that noble, and, in the main, just encomium of them, that the “idea and practice of political and civil “liberty flourish in their highest vigour in “these kingdoms, where it falls little short “of perfection.”^k But many it seems judge differently, and presage that such an alteration would be productive of great and alarming evils: and it is fit that the objection should be impartially considered; for it must be confessed it is a popular one, and such as may strike forcibly on the minds of those, who do not attend carefully to the real state of the question.

It has been said, then, that were the request of the dissenters to be granted, heresies would increase, and the common faith of christians be subverted; and therefore it is fit, (for this must be the meaning of the objection) that the laws relating to dissenting ministers should continue as they are. It is easy to see, that this reasoning ascribes to the magistrate a right of restraining heresies, or

^k Blackstone's Comment. vol. i. p. 126.

of opinions which are not orthodox, by penalties; or else it proves nothing. If it is allowed to ascribe this right to the magistrate, it proves too much; much more than, I am persuaded, those, who now make use of it, will be disposed to acknowledge. For, by the very same train of reasoning, all the edicts of heathen governors against christians, the execution of the decrees of popes, and councils, against protestants, by popish princes, and, in a word, all persecuting exertions of power whatever against those, who depart from established doctrines, might be easily justified. But other alarming consequences of complying with the desire of the dissenters are apprehended. One of their writers, it is alledged, has charged every church which maintains the doctrine of the TRINITY with being *idolatrous*.¹ Because the dissenting ministers inserted no offer in their bill, to subscribe to the doctrine of the Trinity, it is concluded, not by the strictest rules of logick, that this is one doctrine which some of the petitioners desire to be at liberty to oppose or deny; — and from hence a supposition is formed, that there is a possibility “ that by urging the precedent of the ido-“ latrous people of Canaan,”² the hearers of dissenting ministers may be ripened “ for “ the expulsion or extermination of” the

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members

• Letter, p. 11.

“ Ibid. p. 13.

“ Ibid. p. 15.

members of the establishment, " as an act
 " of obedience to the divine command." Dissenters, it appears, are not the only people liable to be thrown into panicks. But to be serious. All this is only a proof of what has been already suggested ; that the petition of the dissenters has been strangely misunderstood. All, which is desired by it, so far as the articles are concerned, is, in effect, this ; that dissenting ministers may be exempted from the PENALTIES, to which their not having complied with the subscription to them, required by the act of Toleration, leaves them subject. The words of the bill are, " Whereas, by an act made in the 1st
 " year of the reign of King William III.
 " &c. preachers or teachers of any dissent-
 " ing congregations, are required, &c. to
 " declare their approbation, and to subscribe
 " the articles of religion, mentioned in the
 " statute of the 13th of Queen Elizabeth,
 " except as in the said act, &c. is excepted ;
 " and whereas, many such persons scruple to
 " declare their approbation of, &c. be it
 " enacted, &c. that so much of the said
 " act, &c. as relates to the said articles, or
 " to any of them, shall be, and the same is
 " hereby repealed." Suppose this had been granted, what would have been the effect ?

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° See the bill, at the end of Mr. Mauduit's pamphlet.

Would it have put the dissenters into possession of any legal liberty to write or preach against any of the doctrines of the establishment, from which they are now excluded? By no means. Not to be obliged to subscribe to, and declare an approbation of principles, is one thing; to **WRITE OR PREACH AGAINST** them is another. To desire not to lie under a load, which would crush the most humble, silent, and cautious dissenter, as well as one of the most opposite qualities; and to ask for a legal right to give way to those *angry, indecent* invectives, to which some persons seem to think the dissenters so greatly addicted, are two points, so totally distinct, that it is surprising that gentlemen of abilities should ever confound them together. The generality of dissenting ministers have very little inclination, I believe, to consume the time devoted to their publick instructions, in preaching against the establishment. They have greater points in view. But had their application been successful, the doctrines of the national church would have been very little, if any thing, more exposed to such attacks, than they are now it has miscarried. It has been supposed² that the proviso in the act of Toleration, [which says “ that nothing therein “ contained shall extend, or be construed to

² See the letter to the dissenters, p. 12, 13.

“ extend, to give any ease, &c. to any pa-
 “ pist, or to any person that shall deny,
 “ in his preaching or writing, the doctrine
 “ of the blessed Trinity, as it is declared in
 “ the aforesaid articles of religion:”⁹] would
 have been affected if the bill in question
 had passed. There is room for a doubt, at
 least, whether this clause would have been
 at all affected. But grant that it would; —
 pro-

⁹ §. 17.

It is allowed, that the expression in the bill, at the end of the case of the dissenters, is very comprehensive: for it desires that so much of the said act, &c. as relates to the said articles, or to any of them, may be repealed. And, were the expression to be taken singly, and independently of any other words, with which it is connected, there might be some appearance of reason for the application, of which the author of the letter to the dissenting ministers, supposes it capable. But, if it be considered that it makes only the conclusion of a sentence, in which the scruples of the dissenting ministers, relating to subscription, are assigned as the ground of their application to parliament; — that the desired repeal of what relates to the articles, in the act, has a direct reference to those scruples, and is proposed as a remedy against the difficulties occasioned by them: when all this is laid together, I say, it may surely be concluded, that the fairest and most candid, and indeed the most natural interpretation of the words is, that a repeal of so much of the act, as relates to a SUBSCRIPTION to the said articles, or to any of them, is desired. It is not, indeed, after all, of any material consequence, which of these constructions is supposed to be the truest. — However this may be determined,

prosecutions for heresy, according to the notions given of it by our laws, ^s would have stood upon the same footing, upon which they stand now; — the honour of the liturgy would have been kept under the same protection, which now defends it; ^t — the 10th of William III. would have retained its authority; — in a word, all these guards of the principles and worship of the establishment, would have subsisted in their full vigour. And upon what foundation then, can the application of the dissenters be considered as a request for permission by law, to preach against the fundamental doctrines of the national church? Or with what propriety could the compliance of the legislature have been represented as setting up the opinion of a small body of dissenting ministers against the fundamental doctrines of the christian church?

terminated, the doctrine of the Trinity is still guarded by law, as strongly as can be desired. But when surmises are substituted instead of certain facts; when suspicions supply the place of proofs; and insinuations are introduced to play upon men's prejudices, alarm their jealousies, and divert their attention from the real point in question; it is fit that the request of the dissenters should be precisely stated, and cleared from all those misapprehensions, which might incline persons to think unfavourably of it, and form disadvantageous judgments of those who promoted it.

^s 1 Eliz. cap. i. §. 36.

^t 1 Eliz. cap. ii. §. 9.

church? Or what shadow of reason can there be in urging the apprehension of one thing, as a plea for retaining a power of punishing persons for another, which is utterly different from it, and has no relation to it? That men may have invincible objections to subscription, and yet be zealous advocates for the doctrine of the Trinity, and the doctrine of Satisfaction too, the warmest opposers of the dissenters in this affair will scarcely deny. And by what one good political maxim can it be justified, to contend for leaving room to restrain actions by the means of laws, which, if executed, must bring heavy sufferings upon those, who never were guilty of the offence, which, it is pretended, makes them necessary; and, if they are not to be executed, must be wholly ineffectual to guard against it?

The argument, which has been drawn from this last consideration, to show that a more extensive Toleration will not be productive of inconveniences, is treated, indeed, by the author of the letter so often cited, with some contempt.^u But the dissenters must beg his pardon, if they think it merited a different answer. What they advance flows with undeniable evidence from his own assertions; and he must either admit the justice of it, or give up all, which he has said to show the

^u Letter, p. 21.

the request of the dissenters to be a needless one. As long as it is but intimated, that circumstances may occur, in which it may be proper to have recourse to the penal laws against dissenters, and the continuance of them is contended for as necessary, though they are pretended to be kept up only *in terrorem*; so long the dissenters will have reason to be alarmed. Should the execution of them once be put in motion, none can say where it will stop: nor may it be always in the power of the greatest persons to check its violence. If it is certain, on the other hand, that no such thing will ever be attempted, these laws must lose all their efficacy. It is too much to be taken for granted, that the restraints of law are always of real use.^w The restraints of good laws are real blessings. Those of bad laws are real evils. But it is only on a supposition that they *MAY* be executed, that they will be either. Indeed for this gentleman to imagine that keeping up an obligation to subscribe, when, by his own confession, "that part of the law, [which requires it] " is now as dead as if the "whole law were obsolete"^x can have any great influence upon the mode of thinking and speaking, of which such terrible apprehensions are entertained, is utterly mistaking the true source of it. For it is not the dis-

^w Letter, p. 21.

^x Ibid. p. 57.

use of subscription, which has produced this freedom of thought and language upon religious subjects ; but it is this freedom of thought, which has produced the disuse of subscription. Taking away the obligation to subscribe would make very little alteration in the case. If this liberty of speech should afterwards increase, the change in the law would be so far from deserving to be thought the proper cause, that it could scarcely be thought, with justice, to be the remote occasion of this increase. The real causes would continue to be the same, which they ever have been ; the growth of an inquisitive disposition ; and the advancement of that largeness of mind, which invites persons to propose their sentiments freely ; makes the exertion of the civil power, on account of difference in opinions, odious ; and, thus checks the operation of those laws which, in times of another complexion, would be carried into rigorous execution.

But admit that, to adopt the language which has been used on this occasion, heresies might abound something more ; is keeping up penal laws the proper remedy against them ? Is this a competent reason for refusing the dissenters that liberty, which, upon all the just principles of Toleration, they are entitled to enjoy ? For to these principles, after all, the appeal must be made ; and if they

they are again brought before the mind of the reader, the repetition, cannot, with reason, be blamed. Gentlemen who know not how to dispute their truth, and yet are unwilling to admit their plain consequences, may, to evade the force of them, be in haste to say, “ ‘tis needless to urge them ; they are “ admitted ; but they are misapplied.” But when all, which is owned to be indisputable in the right of private judgment, (which has generally been thought to include a right of publick worship, according to that judgment) seems to be reduced^r to the bare possession of that inward conviction, to which “ no power of government can extend,” and for which it is needless to supplicate even “ in an arbitrary state ;” is there not a cause to have recourse to them ? When desiring not to be criminals in the eye of the state, till some real offence against that state, (which not professing an agreement with the articles of the national church can never be,) is proved upon them : when this, I say, is unfairly confounded with “ a pretended right to exempt certain publick acts,” universally, (for this word must be understood, though it is not expressed,) from the cognizance of the civil power ; can inculcating the principles of Toleration, in these circumstances, with any reason be thought needless ? If the

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^r Letter, p. 24, 25.

right of the governors of the state, or of the church, to “ prevent the opinions of private men from clashing with such of the established doctrines as are fundamental ; ”^z that is (for this is, in fact, the case) which they think fundamental, “ so long as it can be done without violence ; ” if this, I say, be urged as a plea for continuing laws in force, which, if they operate at all, must have some degree of violence in their operation : every man is left to judge, whether to lead the thoughts of men back to the true grounds of religious liberty, does not become highly necessary. Nor can it, with any reason, be said, they are misapplied.^a The safety of the state, and the principles of Toleration, it is allowed, are in perfect consistence with each other. The boundaries, which determine the right exercise of power on the one hand, and of liberty on the other, are to be marked out with an impartial view to both these important points. But the safety of the state can never be rightly pretended as a reason for laws inconsistent with the clear dictates of justice and humanity. And that the safety of the state is at all concerned in subscription to a number of articles, some of which are owned to be superfluous,^b to have been inserted to reconcile the predecessors of the dissenters

^z Letter, p. 28.

^a Ibid. p. 18.

^b Ibid. p. 46.

dissenters to the church, and are now not considered as important; the dissenters never did admit, neither do they yet admit it. They think they may add, with reason, that the largest degree of Toleration which they have solicited, carries nothing in it ^c incompatible with any security, which the established church can equitably desire; and believe, that if they declare they cannot yet see the manifest impropriety of their request, ^d it will be no impeachment of their understanding.

Whether the general character and deportment of the dissenters have given any just occasion for them to be esteemed unworthy of the liberty which they have asked, is clearly left to the judgment of all who are disposed to judge candidly. Their loyalty has been acknowledged in the most publick manner. With respect to their zeal for liberty, and the support of the constitution, if we are rightly informed, they have been honoured with the singular, and perhaps not wholly unmerited applause, of having been, in some seasons, almost the only steadfast adherents to that glorious cause. For their zeal for the honour of christianity, and their merits as advocates, in behalf of it, they presume they may clearly turn themselves to the reverend the clergy of all orders, as their

favourable judges. From the same respectable body, they doubt not but they may hope to receive an honourable testimony to the application, learning and sagacity, with which many among them have devoted their abilities to the illustration of the sacred writings. It has been urged against them, that they are an intolerant sect. They own, without hesitation, that time was when too many, who passed under their denomination, were justly chargeable with this spirit; and, with as little hesitation they confess, it was a reproach to their predecessors that they were so. But it was the common error of the age. Numbers of their brethren of the establishment, were once liable to the same objection. But they have, in general, renounced their error, and think their assurances of this ought to be believed. The dissenters have long since, and universally, done the same; and hope they may, with equal reason, expect to have credit given them for the truth and reality of their repentance. For reasons, which have often been laid before the world, they decline constant and entire conformity to the worship of the established church; but the justice, which they have been always ready to do to the writings of her members, and to the piety, learning, and eminent attainments of her clergy; the zeal and resolution, with which they

they have, in very critical and hazardous seasons, joined with their fellow subjects, in notwithstanding attempts, which were made for her destruction; and the self-denying steadfastness, with which they have refused to concur in measures, which they apprehended were concerted with designs unfriendly to their protestant brethren, even at a time, when too many of those brethren discovered not the kindest disposition to them: all these are convincing tokens, that though they dissent, they do it not only with charity, but with high esteem. The general tenor of their deportment, towards the clergy and laity of the national church, they presume, gives a new proof of their being filled with these sentiments. Let it not be said, they make a merit of this. They take a pleasure in owning, that great numbers of their brethren of the establishment, and those, persons of rank and eminence, have given them a pattern of in moderation and gentleness, which it was their duty and praise to imitate, and treated them with an affability and good nature, sufficient to make impressions on hearts, far less susceptible of friendly sentiments than those, which, it is hoped, are commonly lodged in the bosoms of dissenters. But this may be said with great truth, that the dissenters have had no example of this kind set before them, but what

what they have been earnestly desirous to follow; and have received no marks of benevolence and friendship, but what they have always been solicitous to return, in the most ample manner, which has been in their power. And though, from their late application to parliament, occasion has been taken to introduce oblique charges of virulence and hatred; and the relief, which they asked, has had the surprizing complaint made of it;^c that it "could only answer "the purpose of manifesting to the world," that they "were indisposed to tolerate" their brethren, "as an establishment:" they deserve to have a much milder sentence passed upon them. Their ministers, in particular, upon whom these intimations are like chiefly to fall, are men of a better spirit: men, who would have rejoiced to close breaches, rather than to widen them; and who, when they have reflected upon the character of many of the clergy, whose abilities they esteem, whose learning they value, and whose virtues they honour, have silently lamented, that there should be such a wall of partition remaining, to keep them and their brethren asunder. They have the satisfaction to observe, that the gentleman himself, from whom these expressions are taken, in other parts of his pamphlet, speaks in milder

^c Letter, p. 56, 58.

^f Ibid. p. 38.

milder terms of them. He owns, indeed, the MERIT of several among them, with a politeness, which entitles him to their most respectful acknowledgments; and makes it rather surprizing how dispositions so opposite to those, which really influence them, and views so distant from those, which were the true springs of their application, could be imputed to them.

One thing more remains to be considered; which is, the declaration which the dissenters offered, instead of the subscription, now required by law. And sorry I am that there should be any occasion to vindicate this from objections; and much pleasure would it have given me to have spared some animadversions, which, by the exceptions made to this part of their conduct, are rendered unavoidable. The declaration, as it stands in the bill, prepared for the relief of the dissenters, is this. *I, A. B. do declare, as in the presence of Almighty God, that I believe that the Scriptures of the Old and New Testament contain a revelation of the mind and will of God; and that I receive them as the rule of my faith and practice.*⁸ The reflections which the author of the letter to the dissenting ministers makes, upon this declaration, are these. “ You offer to subscribe to “ the Holy Scriptures, as containing a re-
“ velation

⁸ The case of the dissenters, p. 60, 61.

" velation of the mind and will of God,
 " and being the rule of your faith and
 " practice. You know full well, gentlemen,
 " that there is not an error, however ob-
 " noxious to christians, or however subversive
 " of civil society, which may not be cover-
 " ed, under the cloak of this subscription.
 " Need I tell you, that transubstantiation,
 " purgatory, invocation of saints, idolatry,
 " murthers, rebellions, and almost every evil
 " work, have been drawn from misinterpre-
 " tations of scripture? Had you refused *all*
 " subscription, the state had been full as
 " secure as in the offer of one so very un-
 " satisfactory and indeterminate. It had,
 " really, the appearance of trifling with the
 " legislature, which, as you could not intend
 " it, had, at best, the appearance of pre-
 " suming upon their total inattention to mat-
 " ters of this sort, or upon their taking
 " them very superficially into considerati-
 " on." ^b

In the twenty-eighth page of this pam-
 phlet, "an eminent writer" among the dis-
 senters, is charged with carrying his idea of
 liberty, quite to a shocking extreme. Shock-
 ing is a strong term, and were it to be re-
 turned upon this gentleman, on account of
 the length to which he is carried, by his
 zeal for subscription to human articles, he
 might

^b Letter, p. 10, 11.

might possibly complain. But certainly it may be said, that he has, in this passage, made use of expressions, which the calmest, most dispassionate person, cannot read without EMOTION. Could it have been expected, indeed, that an author, whose performance expresses so much of a concern for christianity and protestantism, would have allowed himself in such degrading language as this, concerning a solemn declaration of cordial assent, to the whole body of the sacred writings? Is that doctrine, which is according to godliness; ⁱ that scripture which the apostle declares, to be “profitable for doctrine, for reproof, for correction, for instruction in righteousness, that the man of God may be perfect, thoroughly furnished unto all good works,” ^k so loose, defective and indeterminate, “that there is not an error, how obnoxious soever, or however subversive of civil society, but what may be covered under the cloak of subscription to it?” ^l When it is the acknowledged design of the whole tenor of the books of the Old and New Testament, to establish the worship of the only living and true God, and to teach men to deny all ungodliness and worldly lusts: ^m can the serious profession of our owning them, as the rule of our faith and

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practice,

ⁱ 1 Tim. vi. 3.^k 2 Tim. iii. 16.^l Letter, p. 10, 11.^m Titus, ii. 12.

practice, be justly supposed to contain in it, no assurance of the orderly, virtuous deportment of those who make it? When we find this revelation of the will of God declaring, in the most expressive terms, that neither idolaters, nor adulterers, nor thieves, nor drunkards, nor revilers, nor extortioners, shall inherit the kingdom of God; is the language of it so indeterminate and void of force, that it places no effectual guard against those enormities? Because it may have happened, that transubstantiation, purgatory, invocation of saints, idolatry, and other errors and evil works, have been sheltered under misinterpretations of scripture; are the words of it to be supposed so destitute of clearness and precision, as to give no sufficient pledge to government, for the good behaviour of those who own their divine authority? Or would the refusal of *all* subscription, which might have left it uncertain whether persons acknowledged any religion at all, have made the state full as secure as the profession of those principles, which carry in them every awful restraint from evil, and every powerful motive to good actions, which can be presented to the human mind? If this declaration is not an adequate satisfaction to the legislature, what satisfaction can the subscription required by the act of Toleration be? Men of frantick, enthusiastick minds, may abuse every

every thing. Men of dishonest and insincere hearts may, and will, subscribe any thing; take any oaths, conform to any test, which human policy can invent: and no articles, were they to be diversified and adjusted to the exigencies of the times ever so often, and encreased till they equalled the most voluminous confession, which ever existed, will be sufficient to bind them. All these securities must imply common sense and integrity, in those who give them, to make them of the least avail: and if this gentleman allows, as he professes to do, (and, I doubt not, with sincerity,) that the petitioning ministers have some right not to be accounted destitute of either of these qualities; he will, it is hoped, upon second thoughts acknowledge, that the security, which they offered, in their proposed declaration, was neither trifling nor fallacious; but as determinate and perfectly adapted to prevent every doubt, which the rulers of a state can reasonably entertain, as any of which they could possibly have made a tender. The legislature has indeed already, in effect, accepted it as sufficient, in the case of the quakers; for excepting the established doctrine of the Trinity, (which, however true it may be in itself, and how important soever in a theological view, makes the restraints of the gospel upon immorality and disobedience to go-

vernment, no more precise and determinate than the arian or socinian doctrine of it;) they are only required to profess their belief in the inspiration of the scriptures. And, if the state be secured by this declaration from them, why should more be necessary for this purpose from other protestant dissenters?"

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° If this writer should say, that by giving satisfaction to the state, he means declaring an approbation of such merely religious opinions, as the government has thought fit to take into the national church, he has expressed himself ambiguously, and not very properly. All, which is understood by security to the state, in the common acceptation of the words, and all, which the state can, in reason require, is, sufficient assurance that men will behave as peaceable members of society, " pay tribute to whom tribute, " custom to whom custom, fear to whom fear, and " honour to whom honour is due;" and be faithful and bear true allegiance to those, who rule over them. But there is a much greater imperfection than mere impropriety, in making an assent to the doctrines of an establishment a necessary part of the satisfaction due to the state; for it implies, that the magistrate has a right to enforce his own sense of scripture, by penalties, on those, who do not acquiesce in it. Whether this be the meaning of this author I will not pretend to affirm; but it ought not to be his meaning. A writer, who has expressed himself with such laudable indignation, against the share, which Calvin had in the death of Servetus, has not left himself at liberty to be an advocate for restraining a dissent, from the established faith, even by the smallest punishments; which a spirit of persecution will always be ready to change into greater, till it has accomplished the destruction of all, which stands in the way of its fury.

To employ many words in refuting other objections against this declaration, such as, that it might be made by heathens, deists, or mahometans, (and jews might as well have been added to the list,) would be little better than trifling with the time of the reader. To acknowledge, that the sacred scriptures not only contain a revelation of the will of God, but that they are to be received as **THE RULE** of faith and practice, plainly implies, not barely that they contain truth, but so far as it is to be learnt, from revelation only, **ALL** truth which we are bound to receive on the authority of it. The obvious force of the expression is, not only that the Old and New Testament are a standard, by which truth and error are to be judged, but that they are the only supernatural standard, to which we are to have recourse, for this purpose. And how totally repugnant this is, to the principles of those who reject all revelation; of those, who admit the authority of Moses, but reject that of Jesus; or of those, who admit the divine mission of Jesus, but supersede his Gospel, by introducing the pretended mission of Mahomet, and contending for the Koran, as the rule of faith and practice; is too plain to need enlargement. He indeed, who does not discern it of himself, will scarcely discern it by the help of any arguments which can be offered

ferred to him. The declaration, fairly interpreted, equally implies the great principles of the Reformation, and is utterly inconsistent with those of Popery ; and, whatever suspicions might be entertained, from the comprehensive nature of it, by some persons ; yet if the affair be impartially considered, it will be found the only one, which, without counteracting their own views, and the avowed principles of their denomination, they could propose. The dissenters, it is well known, though not more widely distant from each other, than many of those who, in the established church, are acknowledged as her members, admitted to her communion, and advanced to the highest preferments ; are very far from being uniform in their sentiments, concerning the controverted points of divinity. To have drawn up, and offered particular subscriptions, relating to any of these, therefore, would have been excluding many of themselves from the benefit desired. Could they have agreed in a confession, in which the majority would have united ; to have solicited relief only upon that footing, would have been grossly and indefensibly partial. It would have been leaving the burthen, and that probably with much aggravated weight, upon others, whom, how far soever they may be from adopting some of their tenets, they think to have an equal right, upon

on every equitable principle, to Toleration with themselves. But, above all, it would have been departing from that fundamental maxim, upon which they are protestants and dissenters, and, by adhering to which, they think they shall best serve the cause of real christianity; that the words of God, and not the explications of fallible men, are the authentick tests of truth and orthodoxy. They thought themselves bound therefore, to offer no subscription, but to the faceted writings; and laudably setting aside all their internal distinctions, agreed in this, as the only consistent and catholick principle, upon which their cause could be rested.

Catholick and charitable, however, as their conduct to each other may appear; it is charged with discovering a different spirit, towards those of the establishment. It is represented as considering the confession of faith of the church of England, "as a yoke or a burthen, too heavy to be borne by protestants."^a To intimate this is apprehended to have a manifest tendency to dissolve the protestant union; and the time, it is said may come, when the dissenters will not regret, that they are acknowledged by law, as members of the protestant church. Do the remonstrants, in Holland, then, dissolve the protestant union,

^a Letter, p. 50.

on, by rejecting some articles of the Belgick confession? Or are they considered by the states, as no part of the protestant church, because they are now dissenters, in points of doctrine, from the established church of that republick? With submission to this gentleman's better acquaintance with these things, it is apprehended that *true protestantism*, and an attachment to *SCRIPTURAL* christianity, are the same thing; that to maintain the sufficiency and perfection of scripture, is what properly constitutes a protestant; that the agreement of those who first bore the name, in several points which were maintained by the first reformers, was merely accidental to the character; and that all, who assent to the inspired writings, as the only rule by which christians are to be bound, retain their title to this honourable name. And, the more closely they adhere to these sacred oracles, and the more carefully they bring all confessions and systems of opinions to them, as the touchstone, by which the value of all human decisions in religion is to be ascertained, the more consistently and perfectly protestant their behaviour deserves to be accounted.

But it is not only with a kind of apostacy from protestantism, but want of a friendly spirit to the establishment, that the dissenters are charged for their late attempt. Success in

in it, we are told,^p would have “ been but “ the poor semblance of a triumph; ” persisting in the attempt will be a cause, it is said, for considering the dissenting ministers as men, who “ to make their hatred to the “ establishment more effectual, are ready to “ seize upon every favourable time and op- “ portunity of manifesting it.”^q The application is taxed again, for it seems to be a favourable topick, with “ implying a desire “ to make a reconciliation more desperate “ than ever: ”^r and granting the request, it is asserted, would have been declaring by a “ new law, that the bond of union,” between “ his Majesty’s protestant subjects, “ who are supposed by law to maintain the “ same christian doctrines, is broken.”^s Persons of ability and refinement, may strike many meanings out of any measure, which never entered into the hearts of those who engaged in it. But this measure authorizes no such construction. It implies, it is true, that the present dissenters have objections to subscribing to some of the articles, which their predecessors had not. But this has been long known; and petitioning not to be subject to penalties, on that account, makes not the least alteration in the case; nor had the petition been granted, would it in the least

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have

^p Letter, p. 41.^q Ibid. p. 58.^r Ibid. p. 38.^s Ibid. p. 22.

have lessened the ties of affection, by which, it is hoped, those, who are of the establishment, and those, who dissent from it, would still have been bound to each other, as those who are “of the same body, and partakers of the same promise in Christ, by the gospel.” But let the case be as this gentleman has stated it. What has rejecting the petition done towards preserving this union, for which he professes himself so solicitous? It cannot be supposed to bring the JUDGMENT of the dissenters a step nearer to the articles than they were before; and all thought of compelling persons to express their approbation of them, contrary to their judgment, is what he utterly disclaims. Had the bill passed, it would have been a noble addition to the proofs, which the church of England has given of her moderation to dissenting protestants; and had the fathers of the church been zealous in promoting it, they would have erected MONUMENTUM AERE PERENNIS to their praise. But rejecting the bill, has rather the appearance of excluding those, who decline subscription, from the number of those whom the establishment chooses to acknowledge as brethren. Instead of discovering an unwillingness to part with them, it looks much more like a readiness to cast them off, as unfit to be comprehended in that legal protection, which they were moved to seek, by no other principles

principles than a regard to their own safety, and to the cause of liberty; and, on their application for which, a desire to show the least hostile dispositions to the members of the establishment, had not the remotest influence.

So far, in reality, are the dissenters in general, from being actuated by such motives as these, that the very reverse of this is the truth. Sensible and moderate men, both in the establishment and out of it, seem to be gradually moving on to a more open and friendly intercourse with each other.— Their sentiments on points which were formerly the subject of much and warm controversy, more generally coincide.— The distinction between the great end and essentials of religion, and the mere circumstantial which attend it, is better understood and more generally acknowledged. But it unhappily falls out, that the nearer the dissenters approach in some of these things, to a great part of the members of the establishment, to the greater distance they find themselves removed from some of the articles of it. The less dislike some among them may retain to the mode of the publick services of the church, the greater objections they have to some of the materials, which are incorporated with them; and thus, while some circumstances might seem to prepare the way for a more

perfect union, there are others, which, as things are now settled, raise up new and still stronger obstacles to it: obstacles, which not even the example and authority of the great CHILLINGWORTH,¹ will enable them to surmount. The dissenters have always held the memory of that eminent man in the justest veneration. They think of him with peculiar satisfaction, for the noble and successful ardour, with which he asserted the sole right and authority of the sacred scriptures to command the assent and submission of christians: but they cannot implicitly give themselves up to his judgment, and follow his example contrary to their sentiments. His practice, indeed, if we may credit the account given of his subscription, by hands, which appear to be good, bears no such testimony to the articles as seems to be collected from it. His own sense of it, as we are told by the author of his life, is expressed in these words: “ I do verily “ believe the church of England a true “ member of the church catholick; that she “ wants nothing necessary to salvation, and “ holds nothing repugnant thereto.” “ And “ I thought (he adds) that to think so, had “ sufficiently qualified me for a subscripti- “ on.”² Were this all, which is intended by

¹ Letter, p. 52.

² Free and candid Disquisit. p. 169. ed. 1749.

by subscription, the dissenters would have much less objection to it than they have; and it is reasonable to believe this application to parliament would never have been heard of. But by what competent authority has this ever been determined? Bishop Burnet^w supposes indeed, that this is all, which is implied in the communion of the laity with the church; but, desirous as he was to soften the hard injunction of subscription, against which he left his dying testimony,^x he could not apply it to the declaration required of the clergy. I think it may be justly doubted, whether this author himself will admit of this sense of subscription. Expounded in this manner, it carries nothing more in it than what arians, socinians, or in a word any, who reject those articles of the church, which he considers as fundamental, may subscribe, if they have but charity sufficient to acknowledge the belief of them consistent with salvation. And with what justice then could he imagine that the example of a person, who is believed to have subscribed only in this meaning, could be of any force to remove the scruples of the dissenters concerning it?

Indeed till this gentleman, or some other of the zealous advocates for subscription, have

^w *Exposit. of the articles*, p. 6. ed. 1720.

^x Conclusion of his hist. p. 624. vol. ii. folio ed.

have more precisely determined the meaning and extent of it, the doubts, not only of those out of the establishment, but of numbers of thoughtful persons in it, will continue in all their strength. From the stress laid upon it, by this writer at least, which is so great that he treats releasing the dissenters from it, as an indulgence which might have been pernicious to the state,¹ (and by which, the christian religion itself might have been affected,²) such as are unacquainted with what has been said upon the subject, might be led to suppose that the import of it was out of all dispute, and that it was allowed to be an indisputable assurance of affection to the doctrines of the articles. And yet there is scarcely a point more controverted. Some contend earnestly, that hearty assent to them, in the sense of the compilers, is the necessary meaning of it; and consider subscribing, in any other sense, as incapable of vindication. — Other gentlemen, of great learning, think themselves warranted in subscribing with greater latitude. — Others have been desirous to consider the articles as articles of peace; and others may have views of the matter different from all these. While these disputes are left undecided, what great security can subscriptions give to any church of the soundness of its ministers? While there is such a diversity

¹ Letter, p. 58.

² Ibid. p. 22.

diversity of opinions concerning the very act, which is required in order to prevent it; who can wonder that the dissenters choose to decline it, lest they should have constructions put upon their conduct which they cannot admit, and from which they may be urged with concessions, which they cannot allow themselves to make? And they have the pleasure to see, that, however the practice of the above mentioned eminent defender of the protestant cause may be quoted against them; his principles may be quoted, and speak forcibly, very forcibly, for them: and fully justify the subscription they proposed. So long as that memorable sentence stands in his incomparable book; the BIBLE, the BIBLE only is the religion of protestants, the dissenters will think they have a right to glory in him, as a patron of their cause in their late application: especially when they join with it that noble motion of his, which is more apposite still to their purpose: "Let all men believe the scripture, " and that only; and endeavour to believe " it in the true sense, and require no more " of others; and they shall find this a bet- " ter means not only to suppress heresy, but " to restore unity. For he that believes the " scripture sincerely, and endeavours to be- " lieve it in the true sense, cannot possibly " be an heretick. And if no more than " this

“ this was required of any man, to make
 “ him capable of the church’s communion,
 “ then all men so qualified, though they
 “ were different in opinion, yet, notwithstanding
 “ standing any such difference, they must
 “ be, of necessity, one in communion.”²

Whether there be any reason to expect, that by any schemes, which may now, or some time hence, be in contemplation, such^b a change will be effected in our establishment, as will open the doors of it wide enough for good men of all parties, to enter into it; the dissenters pretend not to be masters of sufficient intelligence to determine. It gives them great pleasure to have but hints from gentlemen, who appear to speak from authentick information, that such a design is seriously entertained. What they have heard some of great eminence have said must be done, they flatter themselves, some time will be done. But if a century, and perhaps much more than a century, from the last settlement of the church, must intervene before so much as one step, which can be said to have produced any effect, is taken in this good work; if, after such a step is taken, it should be found insufficient to answer the desired end, and another period of equal duration must complete its round before

* Conclusion of his preface, to the author of charity maintained.

^b Letter, p. 47, 59.

fore a second will be found admissible, not only Dr. Furneaux, but others may doubt, without reprobating the establishment as unworthy of them, whether they shall live to see the time when they can have the satisfaction of being comprehended in it. Should such a day open upon them, I am satisfied the dissenters will not be indisposed to make every due acknowledgment to the wisdom and piety of the gentlemen, who quickened the approach of it. In the mean time, why should it be thought so restless in them to be willing to be secured? Or what obstruction can their attempt, in reason, create to the desirable undertaking? Had it succeeded, it would have put no new difficulties in the way of conformity, as the terms of it now stand; and should those, which as yet subsist, be removed, refusing the dissenters their request, makes their way into the church no easier, nor can it render their minds at all more disposed to it, than if their desire had been granted. But there is one consideration more, which has great weight with the dissenters, and which they beg leave to recommend to the most serious thoughts of all, who undertake to judge of their conduct. They have proposed subscription to the Bible as a qualification, upon which they wish to enjoy the advantages of Toleration. If the conductors of any design, for lessening

the difficulties of the clergy, and bringing in the dissenters, should entertain the same unfavourable opinion of this subscription, which the author of the letter, so frequently mentioned, appears to entertain of it; ^c there is no ground to suppose that any alterations will fix the admission of ministers into the church, upon this extensive principle: and if not, there is room to believe, that some good, very good men, may still be kept out. All those who are shut out from such an establishment, will most assuredly be shut out from the benefit of Toleration, as it is now bounded by law. " And should Toleration itself assume a new form, in consequence of any change in the establishment; yet, if subscription to this new set of articles should be the condition of it, numbers may still be deprived of all advantage from it;" for whose safety, therefore, some provision will be necessary, and whose case will be highly worthy of regard. ^d Since, inconsiderable as they may be esteemed on account of their circumstances, and, unpopular as they may be made by their singularity; they may, nevertheless, be some of the most truly conscientious,

^c Letter, p. 10, 11.

^d For so much of the above sentence as is marked with commas, and which was added while the sheets of the first edition of this essay were printing off, the author is indebted to the hint given by Dr. Kippis; p. 81. 1st edit.

scientious, and greatly virtuous men in the kingdom; and it can never be fit, that the peace of persons of this character, should lie at the mercy of bigotry, hatred, or perhaps of still meaner principles. Let the present days be ever so mild and gentle, yet, if, in the rotation of human events, it is supposable that the dissenters may become the established church; ^c it is surely equally possible, and much less improbable, that, in the course of the same rotation, events may happen in some distant times, which may raise the spirit of persecution again among us, and bring on a repetition of the severities and sufferings of the former days. And though the present dissenters may be ever so easy for themselves; yet, as the friends of mankind, and those who confine not their views to the present generation, but look forward to the possible case of posterity; they think themselves justified in their endeavours to enlarge the legal bounds of Toleration, and promote a nearer advancement of them to the extent of that just and reasonable liberty, which, at present, prevails, with general approbation, in practice. And if it is allowed to be fit to prevail in practice, what good reason can be given, for which it should not also prevail in the language of law?

The matter indeed is reduced to this short and plain issue. Either the just principles of Toleration must be sacrificed; or the laws, from which the dissenters desire to be sheltered, must be allowed to be indefensible. The truth of the one, and the justice of the other, cannot stand together. If one of these opposites must be parted with, it is easy to see which is the better, more christian choice. And could the author of this pamphlet imagine, that it would ever rise to the notice of those in superior rank; he would beg leave, with all the deference which becomes him, to submit it to their serious consideration, whether, as it is a matter of conscience with them not hastily to ADMIT requests for the extension of religious liberty; it ought not also to be matter of conscience not causelessly to reject them. In the nervous language of a late prelate, of distinguished eminence, " if it is not very " right to punish men for their opinions; " there is no medium; it must be very " wrong."^f The statutes, which authorize such a practice, must be subject to the same alternative. If they are not very JUST, they must be very UNJUST. And if this be their only true denomination, it can scarcely bear a doubt, what ought to be determined concerning

^f Difficulties and discouragements which attend the study of the scriptures, p. 25. 9th edit.

cerning them. Certainly it can never be unworthy of the equity, clemency and wisdom of government, to shut the door which is still left open for their being made instruments of oppression; and entirely take away the power, which they **ALWAYS GIVE**, and the temptations, which they may **SOME TIME OFFER**, to persons of bad dispositions, to injure men of integrity, virtue and piety.

Whether such an happy alteration, with respect to these laws, will be the consequence of the farther attempt, which the dissenters are now making to obtain it; they must leave to the wisdom of the great council of the kingdom, (to whom their desires are again, with all deference, submitted) to determine. And, if the dissenters humbly apprehend, that there is no impropriety in the repetition of their request; what is there culpable in this apprehension? So far as the sense of the legislature was concerned, the question was left undecided; and, upon all the principles of reason and equity, there was ample room left for them to apply for a rehearing of their cause. The honourable house of Commons allowed the justice of their request; and bore testimony to it in a manner, which will remain an evidence in favour of it, as long as the memory of the transactions of parliament shall endure. Nor can it, they apprehend, be deemed an instance of the least want of that regard

regard, which they always desire to retain for that illustrious assembly, in which their petition was not viewed in the same advantageous light; that the dissenters, a second time, presume to submit their request to the noble persons, who before rejected it, with full reliance on their willingness again to honour it with their impartial, deliberate attention. Among such as, instead of bringing law to reason, bring reason to law, and hastily conclude, that whatever is done legally, is done justly; the dissenters are sensible they may have many prejudices raised against them. But this age and kingdom abound with persons, who are placed far above the reach of all such impressions; “ who are men of refined and exalted understandings, who have a large compass of thought, and have looked into the principles of things. These know, that written laws are but deductions from the law of nature, which is prior to all human institutions; that these sometimes deviate from that unwritten law; and, when they do, are of no real, intrinsic authority. They know, that a thing is not just and reasonable, because it is enacted; but, in good governments, is enacted because it is just and reasonable.”^h And it is with great satisfaction that the

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^h Difficulties and discouragements, &c. p. 25.
9th edit.

dissenters reflect, that it is before persons of this class that the cause, which they have so much at heart, is to be reviewed. With men of this truly elevated spirit, they may justly hope they shall obtain a candid audience; and they cannot but be confirmed in the hope, when they turn their thoughts to that truly respectable band of worthies, who have, already, in this question, risen up and avowed their cause: persons, great in their rank, and by the trusts reposed in them; great in their abilities, and the reputation, with which they have filled up high and important stations: but great above all in this, that, though connected by no ties of party, nor united by any views of interest; yet, when the venerable form of truth appears before them, they with one accord resort to her, and range themselves under her banners. Many such, the dissenters are satisfied, there are also among those, who were not inclinable, when this affair was first proposed, to favour their cause: nor can they relinquish the hopes, which they entertained, that, when once those fears were subsided, and those misapprehensions removed, which prevented the real state of their case from being seen in its true light; they should have the pleasure and honour of numbering these truly respectable persons among their friends also. But, however these hopes may be

be answered, or disappointed ; there is one satisfaction, which they will always enjoy ; that the views, by which they are animated, are such as, instead of deserving to be condemned, are worthy to be applauded. It is not the interest of a party ; but of christian liberty, truth, and charity, which they are labouring to serve ; and, however some persons may attempt to set these interests at variance, nothing is more certain than, that they will all be found ultimately to coincide with each other ; and that the greater regard is paid to each, in its season, the swifter advances will be made, to that desirable issue, which is the hope, and wish of the dissenters, (and in which every good heart will concur with them,) that **BROTHERLY LOVE MAY CONTINUE** ; that all those remains of jealousy, which have often defeated noble designs, for promoting the cause of truth and peace, may be more completely taken away ; that zeal for the advancement of genuine christianity may temper all inferior views ; and that all may increase in their desire, with **ONE HEART AND ONE MOUTH, TO GLORIFY GOD, EVEN THE FATHER OF OUR LORD JESUS CHRIST.**

A P P E N D I X.

IN the course of writing the foregoing Treatise, several points occurred to the Author besides those considered in it, ^{upon} which, though they appeared to him not unworthy of attention, he did not then choose to enlarge. Farther thoughts upon the subject having led him to alter his judgment, in this respect, the substance of his reflections, upon these and some other Heads is added in this and the following pages.

NOTE I.

Page 17. line 24. "There is no difficulty in discerning, that while I am speaking in this manner, &c."

As it has been apprehended, by a judicious friend, that what is said in this paragraph, though it is allowed to be a sufficient answer to the objection proposed in it, will scarcely be seen to be so, by some persons, without farther explication; it may not be amiss to state the whole affair a little more distinctly; that the mistake of the objection, and the force of the reply to it, may be the more easily understood.

The objection, in short, is this; that if the magistrate has no right to lay restraints upon conscience, as such, wherever a plea of conscience intervenes, his authority is at an end: that, as he can be no judge of men's hearts, whether this plea be real, or pretended, the effect which it will have upon his jurisdiction, will be the same: and that the greatest crimes, by being sheltered under this excuse, may be committed with impunity. The instances, in which this inconvenience may be supposed to arise from liberty of conscience, may, I presume, be generally reduced to one of these cases. The case of persons, who think themselves bound to use force for the propagation of what they apprehend to be truth.—The case of those, whose principles lead them to judge, what are commonly thought vices hurtful to society, to be innocent, and what may be indulged without scruple.—Or, lastly, the case of those, who are so unhappily misled as to incorporate things hurtful to society into their religion, and account it their duty to practise them. These cases will, in some circumstances, perhaps, run one into another; but it is proper to mention them distinctly: and a few words, it is hoped, will make it appear, that the principles, here established, neither lead to these evils, nor take away the power of the magistrate to restrain them.

As to the first of these cases; that allowing every man a right to think for himself in matters of religion can never authorize persons to offer violence to others, for differing from them in religion, is self evident; for to affirm that it would authorize them in this, is the same absurdity as saying, that to assert a right is giving power to take away that right. That any man should ever attempt to use compulsion in religion upon the principle of every man's having a right to think for himself, is, at least, a moral impossibility, if it is not a natural one. For to allow

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that every man has a right to judge for himself, in matters of conscience, is allowing, almost in express terms, that conscience is not to be forced; and that a man should ever lay this down as the foundation, upon which he attempts to force conscience, is inconceivable. In order to justify himself in such a conduct, he must go upon a directly opposite principle; and maintain that all men have ~~NOT~~ a right to judge for themselves, but that some others have a right to judge for them. If any doubt then can remain upon this head, it must be this; why a person who thinks himself authorized to impose his sentiments on others, should not be suffered to *act* according to *his* judgment, as well as others be suffered to *act* according to *THEIRS*? But the answer is obvious, and arises almost instantaneously out of the premises here mentioned: viz. because his following his judgment, in this case, is destructive of all the right, which others have to follow their judgments; because the liberty, which he takes, is breaking in upon that liberty, which ought to be preserved in the same extent to all; and because no imaginary right, which he may arrogate to himself of obliging others to be directed by his judgment, can annul the real rights of others to be guided by their own. Every attack, which he makes upon their person, liberty or estate, for this purpose, is an *INJURY*, which comes within the limits of the civil power; and which the magistrate is not only allowed, but is, by virtue of his office, obliged to restrain: for conniving at these acts of injustice in some, would be a breach of his trust in behalf of others. Indeed to imagine that because men have a right to be protected in acting for themselves in religion, while they offer no injury to their fellow subjects, therefore they must have a right to be protected, when they do offer injuries to them; is as idle as to suppose, that because persons have a right to be

safe in passing peaceably and incoffensively along the publick road, they have also a right to be unmolested, when they insult, and plunder all who fall in their way.

The same reasoning, only a little varied in the application of it, will entirely remove this objection also in the second case. Fraud, robbery, perjury, and other crimes of the like nature, are directly repugnant to all the essential and acquired rights of men. Immoralities of other kinds, are acts of injustice to individuals, and subversive of the welfare of the publick. When instances of them occur, therefore, the magistrate has again a right to interpose; and, upon the very same principles, to correct them: nor can this right be controled by any pleas of conscience, whether real or fictitious, which may be advanced in excuse for them. The nature and consequences of the injury are what properly comes under his inspection; and not the inward sentiment. The violations of the rights of society and the members of it, are the evils, against which he is to guard; and, wherever these are to be found, he has a proper and direct authority to check them by such penalties, as their malignity, and the circumstances attending them, require.

To enter into a particular consideration of the third case, after what has been said, would be tedious. Every intelligent reader will carry on to it, the observations, which have been already made; and the solution of it will be the same. Religion must be the result of conviction; and every man must, therefore, have a right, and is under an obligation, in proportion to his abilities, to judge for himself in the choice of it. But if his judgment should unhappily lead him to make any thing a part of his religion, which is injurious to others, and contrary to the fundamental laws of society; he so far still falls under the animadversion of the magistrate.

strate. But then, it must always be remembered, that it is not because the magistrate has an authority to dictate to conscience, that he is thus warranted to interpose; but because the rights of others, whom he is equally called to defend, are infringed; and the safety of the civil society, over which he is to watch, is struck at. He acts not as the dictator to his subjects in spirituals, but as the guardian of their temporalities, and the impartial protector of their civil and religious liberties. By attending to this obvious distinction, the rights of conscience and the real rights of government will both be preserved; and the pernicious extremes of calling either in question will be avoided. Religious liberty will be kept from running into licentiousness; civil authority be preserved from degenerating into tyranny; and the conclusion, which has been already drawn from the whole, may be safely admitted; that as no man can derive from his right to follow his own conviction in religion an authority to infringe the rights of others; so, while he keeps clear of this, it "must always remain entire to him; nor, while principles of the most reasonable liberty are allowed to subsist in their due extent, can any attempt be consistently made to take it from him."†

† Page 17, of this Essay.

NOTE II.

P. 57. l. 26. "What, but to join in placing it on a more enlarged basis, and procuring for those who request it, &c."

So much has been already said, in this pamphlet, to establish this title of good subjects to religious liberty, that it is presumed, in what follows, it may be considered as a principle, from which the dissenters may fairly reason, as often as occasions for having

having recourse to it may offer themselves. It may be proper, however, to observe here, that the very act of Toleration, the imperfection of which has been the subject of some of the foregoing pages, carries in it a legal acknowledgment of the right under consideration. A writer of distinguished abilities, in what has been commonly called the Bangorian controversy, asserts indeed, as I find him quoted by Bishop *Hoadly*, "That the legislature knows no religious rights, but what are contained in the establishment of the church of England." What use was intended to be made of this assertion in that part of the controversy, which gave occasion for them, it is not to our present purpose to enquire: and that, BEFORE the Revolution, the *Legislature* knew of no religious rights, but such as this writer mentions, is very willingly admitted. It was the very grievance, of which the nonconformists, in the reigns preceding that important event, complained; that liberty of conscience, as far as law could deprive them of it, was entirely taken from them. But, at the time when the writer referred to advanced this assertion, it had been long contradicted by the voice of law. The parliament, which passed the act of Toleration, plainly supposed these rights as the foundation, upon which they rested the fitness of that law; and herein all the sincere approvers of it must concur with them. For as the excellent author, from whom I take this account of the assertions of his celebrated antagonist, justly argues: *

" This either was the right of the dissenters, or it was not. If it was not, then the legislature granted them what they had no right to, and acted a piece of injustice to the established church. But if it was their right, — then here is a right, and this a religious right, restored by the means of the Revolution, distinct from all those religious rights,

* Bp. *Hoadly's* common rights of subjects. P. 243.

“ rights, which are implied in the establishment of
“ the church of England. The legislature granted
“ this as a right, and a religious right: and there-
“ fore, it is a groundless imputation upon it to say,
“ that the legislature KNOWS no religious rights, but
“ what are contained in the establishment of the
“ church, when it is so evident that the legisla-
“ ture KNOWS the right of Toleration, upon which
“ the express law for it must be supposed to be
“ founded, unless you will suppose them to have
“ done wrong to the establishment by it.” — The
force of this reasoning, it is presumed, will be al-
lowed: and it is an obvious remark, that if rights of
any kind, and religious rights in particular, are
justly supposed in law as the ground of it, there
must be a degree, in which they subsist independently
of law. And if this be granted, it will surely be
admitted with it, that in whatever degree, reason
and the sound principles of political societies shew
them to subsist, it is fit that law should allow them
to subsist also.

But had it still been fact, that the legislature knows
no religious rights but what are contained in the
establishment of the church of England; what would
it have proved? Nothing but the palpable injustice
of those laws, which refused to admit such rights.
During the time, in which this was really the lan-
guage of the laws, the dissenters justly thought
themselves kept in a state of heavy bondage
and oppression; and herein the wiser and better
part of the nation concurred with them. There
were, even then, great numbers, who saw (though
still, it must be owned, but imperfectly) that there
were religious rights inherent in men, of which no
human power could justly attempt to deprive them.
From a sense of this they more than once nobly
struggled to rescue their brethren from the slavery
which was entailed upon them; and had at length
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the pleasure to see this deliverance take place. But had the dissenters never obtained such a recognition of their religious rights; would their rights have been less real? Or the effects of those, who laboured to restore the exercise of them, less laudable? "To "take our notions of religious rights from human "laws, or of what Almighty God has vested man- "kind with, from the declarations and decisions of "his fallible creatures,"* (that I may again borrow the words of that able and consistent defender of civil and religious liberty, whom I have before quoted,) to do this, I say, is following an erroneous rule of judgment. "Supposing, as he proceeds, † the legislature "in Spain to know no religious rights, but what are "contained in the establishment of the popish church "there: will it follow, that oppressed and injured "protestants there, have no such rights? Supposing "the legislature in Scotland, before the union, knew "nothing of any religious rights, but what are "contained in the establishment of the KIRK of "Scotland; or that the present legislature of Great- "Britain, knows nothing of any other religious "rights, in that kingdom: does it follow, that "therefore, episcopal men, being good subjects, have "no religious rights there? I presume not." The application is obvious.

* Common rights of subjects. p. 243.

† p. 244.

NOTE III.

P. 64. l. 2. "Is it a consequence, "that because that parliament, went only "thus far, succeeding ones must go no "further?"

It is easy to see, that, if this way of reasoning were just against an enlargement of legal Toleration, now, it would have been equally just immediately after

after the Revolution, against any act of Toleration at all; since that was more than had been, till that time, granted by law. It would, I think, be very unjustifiable to suppose, that the author, whose reasoning is here considered, entertains any dislike to the Toleration as it now stands. But it may surely be worthy of his consideration, whether his manner of arguing, in this part of his letter, is not, in its just consequences, unfavourable to it. The dissenters have been often condemned for separating from the establishment on account of ceremonies, forms, matters of discipline, and comparatively indifferent things. This seems, at least, to be something of a concession, that if their dissent was founded on points of doctrine, it would be more defensible; and yet now that they desire to be exempted from an obligation to subscribe to the doctrinal articles of the church, they are told, that this is an indulgence never intended for them by the act of Toleration;* that it was what their predecessors never desired,† and from hence it is insinuated, that the liberty which is asked, is too extensive to be allowed. But, notwithstanding the distinction made between these two cases, the right of differing from the national establishment in religious doctrines, and the right of differing from it in rites and ceremonies, stand or fall together. If the civil magistrate has an authority to command his subjects what doctrines they shall make a part of their religion; he has the same right to command what rites, and modes of worship they shall admit into it also. If he has no authority to oblige them to receive those modes of worship, which he espouses, he can have no authority, to oblige them to receive those articles of faith, which he embraces. They have the same liberty, and are under the same obligation to enquire, and adhere to the direction of their consciences, with

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respect

* Letter to the dissenting ministers, p. 6.

† Ibid. n. 2.

respect to one as well as the other; and their dissenting from his judgment, in either case, can never be justly considered as an offence against his real authority; nor, while they discharge the duties of good subjects, can it be any warrant for shutting them out of his protection.

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NOTE IV.

P. 65. l. 18. "It is no justification of "this oppression, to dignify the principles "thus enforced by penalties, with the "founding titles of doctrines, which have "been acknowledged by the christian church "in general, and the supposed fundamen- "tals of christianity."

How far this gentleman extends his notion of the unfitness of a Toleration of dissent, in points of doctrine, from the establishment, it might be running a risk of misapprehending his meaning to affirm. There is something so general, and indeterminate in his expressions, whenever he touches upon this subject, that it is difficult to see, precisely, what his idea is of it. If he thinks, however, that merely departing from established articles, is, in any case, a reason for with-holding a Toleration; he will have no reason, surely, to complain of being injured by a supposition, that he is of this opinion, in the case of a departure from, what he calls, fundamentals.* But to make a mere difference from the religion established by the magistrate, even in fundamentals, a reason for the refusal of a Toleration, is still treating Toleration, not as the right of the good citizen, but a privilege of which he may be deprived for no offence against the community

* Letter, p. 8, 9.

munity, to which he belongs, but merely on account of nonconformity to the ecclesiastical establishment of it: and thus we are insensibly brought back to the mistaken apprehension of a right in the magistrate to oblige his subjects to regulate their religious profession by his own. For, if he has no authority to require their submission to his sentiments in religion in general, he can have none to require it in fundamentals; and, if he has no right to demand it, to say he has a right to inflict punishment for the refusal of it, is an absurdity. And though limiting this power in the magistrate to the case of fundamentals, may seem, in a great measure, to restrain the exercise of it; yet, when the limitation is searched to the bottom, it will appear to amount to very little, if to any thing at all. For, as it is left to the magistrate to determine what are fundamentals, it will always be in his power to adjust and enlarge the list of them, as he judges it necessary. Conformity to the whole system of his religious opinions may be made the conditions, upon which the peace and safety of his subjects are to depend; and want of light, and bigotry, may lead him into all the excesses of persecution, which can arise from the most arbitrary and despotic exercise of power. It is, in reality, little more than a limitation in name; which, in effect, asserts the very thing in more plausible language, which it is not thought expedient to maintain in plainer terms; and will, by degrees, take away all liberty of dissenting from the established church.

But, indeed, the more I reflect on this subject, the more I am inclinable to think, that the gentlemen, who argue in this manner, insensibly confound fundamentals in the church, with essentials, or fundamentals in the state, (if the expression will be allowed,) and imagine that what is to be comprehended under this title in the one, must, of course,

be so in the other. Did not something of this kind mingle itself with their reasonings, it seems difficult to conceive, that persons of such unquestionable good sense, should adjust the limits of Toleration by a standard so foreign to the real principles of it. And I have the pleasure of finding this conjecture confirmed by a very able writer, by whose favourable mention of this pamphlet, the author of it thinks himself greatly honoured, and some of whose words, upon this occasion, the reader will not be displeased to see. The writer, to whom I refer, is the present Dean of Gloucester, who observes, in his letters to Dr. Kippis, * (which fell into my hands while this note was in writing,) that it was “a pernicious maxim, “universally embraced by every protestant state, at “first, that all the members of the same state “ought, *on that very account*, to become members “of the same church:” — “They considered non-“conformity to the external mode of publick wor-“ship, and non conformity to the civil laws of a “country, as one and the same thing; and, there-“fore, they punished both actions on the same “principle.” The gentlemen, who are here concerned, do not profess to carry this matter so far. They are for tolerating a dissent, but not in fundamentals. But why not in these, as well as in non-fundamentals, excepting it be that, what is fundamental in the religious establishment of a nation, is so likewise to the political safety of it; and that whoever departs from the one, becomes an adversary to the other? But, if this be their meaning, it is taking that for granted, which has never yet been proved; nay, which may be easily disproved. Since nothing is easier to conceive than, that persons who differ from the articles of the national church

* Page 61, 62.

church, in several points, thought fundamental by that church, may be, nevertheless, unfeignedly zealous for piety, justice, and all those practical principles in which the welfare of the state can be at all concerned. Nor is there any thing more certain, in fact, than that numbers, who have thus differed from the established system of opinions, have been eminent for their fidelity to the government, love of their country, and all those moral and political virtues, which are the props of civil society. Upon the whole, not acquiescing even in articles, which may be deemed fundamental in religion by the formers of an ecclesiastical establishment, may be consistent with all the duty which can be expected from the best of subjects; and therefore can never be a just reason for cutting persons off from the religious rights of good subjects. Where no civil duty is violated, no penalty, on a civil account, can justly take place. It can be inflicted only on an account strictly ecclesiastical, and, therefore, must be, strictly and properly, persecution.

NOTE V.

P. 77. After the conclusion of the note, at the bottom of this page, add as follows.

A writer in one of the publick papers,* to whom the author of this piece owns himself much indebted, for his civility, seems to question whether the doubt, to which the foregoing note relates, is a real one; and asks, whether, if it be, the author should not have taken this opportunity to have argued in favour of a more extensive Toleration than the clause in the act, referred to in the passage to which the note is annexed, would allow, provided it should

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* London Chronicle, Dec. 23—24, 1772.

not be affected by the words of the bill presented by the dissenters? In answer to the first of these particulars, the author assures him, that the doubt was a real one. In answer to the second, the writer of the letter is desired to consider, that the business of this treatise, in this part of it, was only to enquire, whether the consequence charged upon the bill in question, would, in fact, have followed from it, if it had passed; and to shew that if the consequence really followed from it, with respect to the act of Toleration, there were other equivalent, and more than equivalent legal securities of the honour of the established doctrine and worship of the church of England, which would not have been affected by the liberty requested by the dissenters; and as this was the author's only view, in this place, this was all which he thought it necessary to say here upon the subject. But endeavouring to shew that an objection is made without foundation in fact, is, by no means admitting that, if it had been otherwise, it would have been of sufficient force to answer the end for which it is produced. It is readily agreed, with the writer, for the removal of whose doubts this paragraph is inserted; that the followers of Athanasius, Arius, Arminius, and Socinus, may, all of them, be equally good subjects; and, as such, equally entitled to the protection of the magistrate in their respective religious persuasions. No judicious friend of truth will object to having any human expositions of the articles of revelation, left open to sober and candid discussion; nor do the gentlemen, who are desirous to have such enquiries restrained by worldly terrors, if any such there be, at all consult the honour and safety of the doctrines, for which they are so tenderly concerned. "If there be a way upon earth," as it has justly been observed, "to render a doctrine suspected, it is to enforce the belief of it by pains
" and

“ and penalties.” If the doctrines of a national religion are founded in truth, they will stand; and neither argument, nor ridicule, (how improper soever the use of it on such subjects may be) will be able to subvert them. If they are not founded in truth, their sincerest defenders will not wish them to stand; nor will it be in the power of penal laws always to support them.—The author speaks not this in the character of an enemy to the doctrines of the articles, with the merits of which his book does not require him to intermeddle. His concern in it is not with the truth and falsehood of opinions, but with the principles and just extent of religious liberty; and he thinks it an happiness, that, for the justification of his zeal in favour of so excellent a cause, he need look no farther than the authority of a late very celebrated writer, whose words, in his letter to Horace Walpole, Esq; concerning American Bishops, p. 23, it may not be improper to repeat. “ It is not merely from my attachment to the church of England, that I am a favourer of the scheme in question: but from my love of RELIGIOUS LIBERTY; which, in this point, the members of the church of England, in our colonies, do not enjoy.” Whether, from the same principles, the dissenters are not justified in their application, the reader is left to judge.

NOTE VI.

P. 87. l. 9. “ He owns, indeed, the MERIT of several among them, with a politeness, which entitles him to their most respectful acknowledgments; &c.”

Great stress is laid by the author of the letter to the dissenting ministers upon the opposition, which
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the dissenters are supposed to have made to the scheme of establishing bishops in America; and he speaks as if it had been considered as almost decisive against them. The impression which this representation of the conduct of the dissenters might make is not here disputed.—The justice of the charge against the dissenters, it is still expected, will be examined by a better pen. But if it is this writer's design to insinuate that the dissenters, and especially their ministers in general, are concerned to hinder their episcopal brethren abroad, from enjoying the advantages of the desired institution, he is much a stranger to their disposition. Dr. Furneaux's letters which were appealed to as a witness in this case against the dissenters, contain a sufficient testimony for them, * that with proper security for the liberty of those of other denominations, they will be so far from opposing, that they will be advocates for such a scheme. But were the fact otherwise; the use made of it by this writer, in the affair under consideration, is, in the judgment of the lately quoted primate of the church, a very unjustifiable one. He says, indeed, † “that he cannot imagine how the “ dissenters can pretend to be lovers of [religious “ liberty,] and wish it to be withheld from their “ fellow subjects.” But admit they should; what is his reflection? “ God forbid that we should ever “ be moved by THIS, OR ANY OTHER PROVOCATION, to wish it withheld IN ANY INSTANCE “ WHATEVER from the dissenters!” ‡

* P. 191. 2d edit. † Letters to Horace Walpole. p. 23.

‡ Ibid. p. 24.

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